

Woollahra
Municipal
Council

COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-363 – DA 557/2024/1
PROPOSAL	Demolition of existing structures and construction of a new 4 storey building for health services facility with basement car parking
ADDRESS	4-8 Manning Road, Double Bay Legally known as SP43881 (4 Manning Road) and Lots 2 & 3 DP 829784 (6-8 Manning Road)
APPLICANT	Christopher Adams
OWNER	Allan Geoffrey Simpson and Beverley Anne Simpson
DA LODGEMENT DATE	15 January 2025
APPLICATION TYPE	Integrated Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 (b) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development given: The proposed development has an estimated development cost of more than \$5 million and is for the purpose of a health services facility.
CIV	\$13,756,883.21 (excluding GST)
CLAUSE 4.6 REQUESTS	Woollahra Local Environmental Plan 2014 - Part 4, Clause 4.3: Height of Buildings & E1 Local Centre Zone
LIST OF ALL RELEVANT PLANNING CONTROLS (\$4.15(1)(A) OF EP&A ACT)	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Industry & Employment) 2021</i> <i>Woollahra Local Environmental Plan 2014</i> <i>Woollahra Development Control Plan 2015</i>
AGENCY REFERRALS	Water NSW Transport for NSW Transdev John Holland

	La Perouse Local Aboriginal Land Council
TOTAL & UNIQUE SUBMISSIONS	30
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Revised Architectural Plans prepared by Shellshear Young, dated 26 May 2025 • Urban Design Report prepared by Dickson Rothschild, dated May 2025 • Functional Design Statement prepared by Shellshear Young, dated 30 May 2025 • Landscape Plan prepared by Wyer & Co, dated 11 December 2024 • Survey Plan, prepared by Beveridge Williams Land Development Consultants, dated 31 March 2021 • Statement of Environmental Effects prepared by Paro Consulting, dated December 2024 • Revised Clause 4.6 Written Request prepared by Paro Consulting, dated May 2025 • Traffic Advice prepared by Hutcheson & Partners Traffic Engineers, dated 16 May 2025 • Access Report prepared by Ergon Consulting, dated 19 December 2024 • Updated Acid Sulfate Soil Report, prepared by Morrow Geotechnics Pty Ltd, dated 13 March 2025 • Asbestos Materials Inspection Report, prepared by KS Consulting Group, dated 12 October 2023 • Preliminary Site Contamination Investigation, prepared by Geo-environmental Engineering, dated 13 March 2025 • Acoustic Report prepared by Koikas Acoustics, dated 20 December 2024 • Cost Estimate Report prepared by Residential, Industrial & Commercial Quantity Surveying, dated 10 December 2024 • Flood Risk Management Report, prepared by Smart Structures Australia Consulting Engineers, dated 16 December 2024 • BCA Compliance Report prepared by Technical Inner Sight, dated 10 December 2024 • Structural Shoring Concept, prepared by Smart Structures Australia dated 19 December 2024 • Geotechnical Report, prepared by Morrow Geotechnics Pty Ltd, dated 02 December 2024 • Updated Demolition Report, prepared by Urbis, dated 10 February 2025 • Aboriginal Heritage Impact Statement, prepared by Urbis, dated April 2024 • Traffic Report prepared by One Traffic, dated December 2024 • Waste Management Plan prepared by Lid Consulting, dated 11 December 2024
DOCUMENTS SUBMITTED WITH THIS REPORT FOR THE PANEL'S	<p>Attachment 1 – Draft Conditions</p> <p>Attachment 2 – Revised Architectural Plans</p> <p>Attachment 3 – Revised Clause 4.6 Written Request</p>

CONSIDERATION	Attachment 4 – Urban Design Report Attachment 5 – Functional Design Statement Attachment 6 – Referral Response Development Engineering Attachment 7 – Referral Response Trees and landscaping Attachment 8 – Referral Response Heritage Attachment 9 – Referral Response Traffic Attachment 10 – Referral Response Urban Design Attachment 11 – Referral Response Environmental Health Attachment 12 – Referral Response Drainage Attachment 13 – Referral Response Water NSW
INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Yes
RECOMMENDATION	Conditional Approval
PREPARED BY	Ms S Soliman
PANEL BRIEFING	24 April 2025
DATE OF REPORT	24 June 2025

1. REASON FOR REPORT TO SYDNEY EASTERN CITY PLANNING PANEL (SECPP)

The application is to be determined by the Sydney Eastern City Planning Panel as the estimated cost of works is more than \$5 million and is for the purpose of a health services facility (threshold under Clause 5 (b) of Schedule 6 of State Environmental Planning Policy (Planning Systems)).

2. REASONS FOR RECOMMENDATION

The development application (**DA**) has been assessed within the framework of the matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* and is recommended for approval because:

- It is considered to be satisfactory with all relevant planning policies including the objectives of Woollahra Local Environmental Plan (**WLEP**) 2014 and Woollahra Development Control Plan (**WDCP**) 2015.
- It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality
- All likely impacts to adjoining properties including any submissions made have been addressed in the report or are considered to be satisfactory.
- The subject site (the '**Site**') is suitable for the proposed development
- The proposal (the '**Proposal**') is in the public interest

3. LOCALITY PLAN

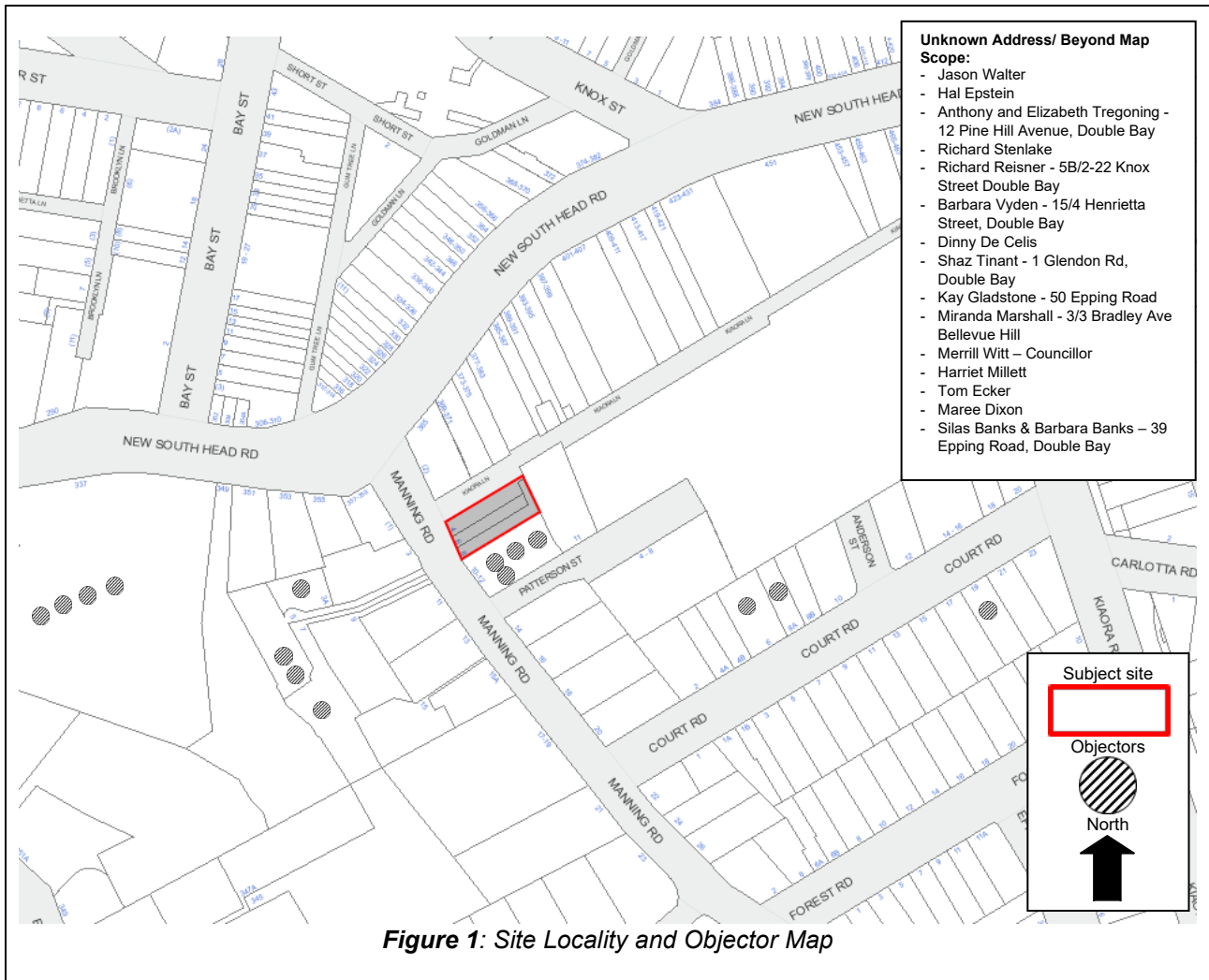


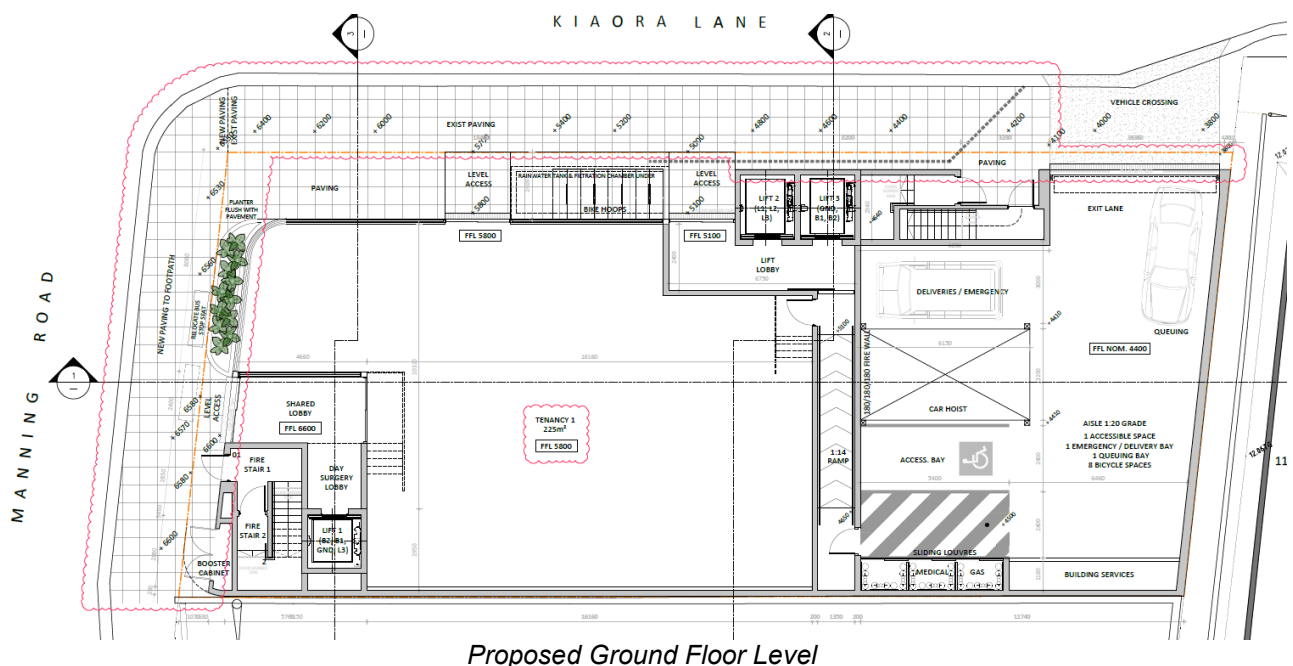
Figure 2: Aerial Photography of Site (Source: Woollahra Web Maps, dated 20 January 2025)

4. PROPOSAL

The Proposal, as amended, seeks consent for demolition of existing structures and construction of a new four (4) storey mixed-use building with basement car parking.

More specifically, the Proposal involves the following works:

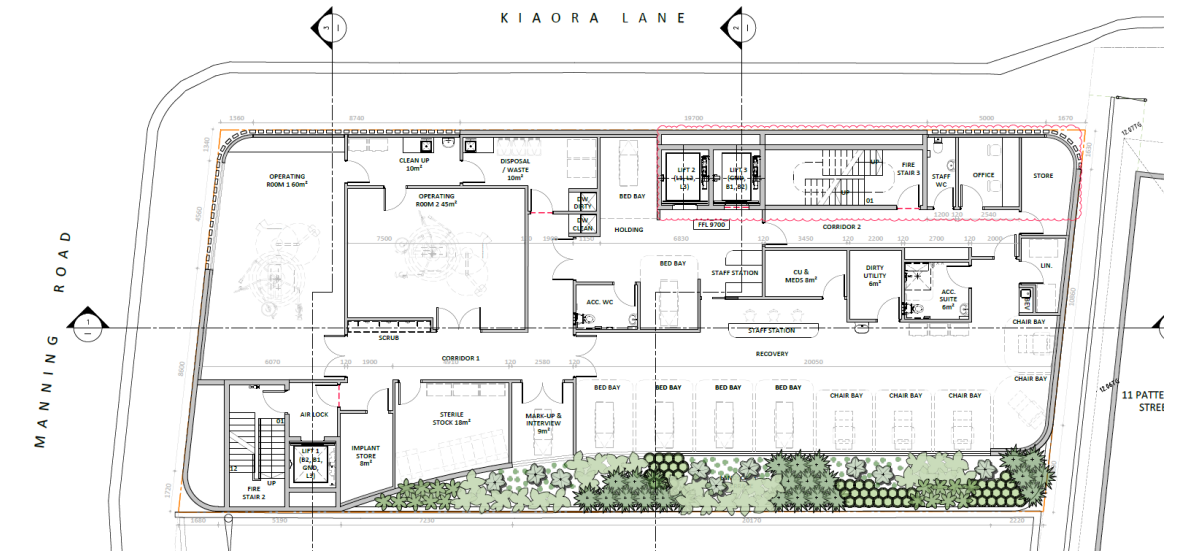
- The full demolition of an existing building to allow for the construction of a four (4) storey mixed use building comprising of a single commercial (retail) premises at Ground Floor Level and a separate Medical Centre at Levels 1, 2 and 3, with associated two-level basement car park.
- The new commercial (retail) premises will present a glazed façade treatment to Manning Road and Kiaora Lane at street level. New paving to each street frontage.



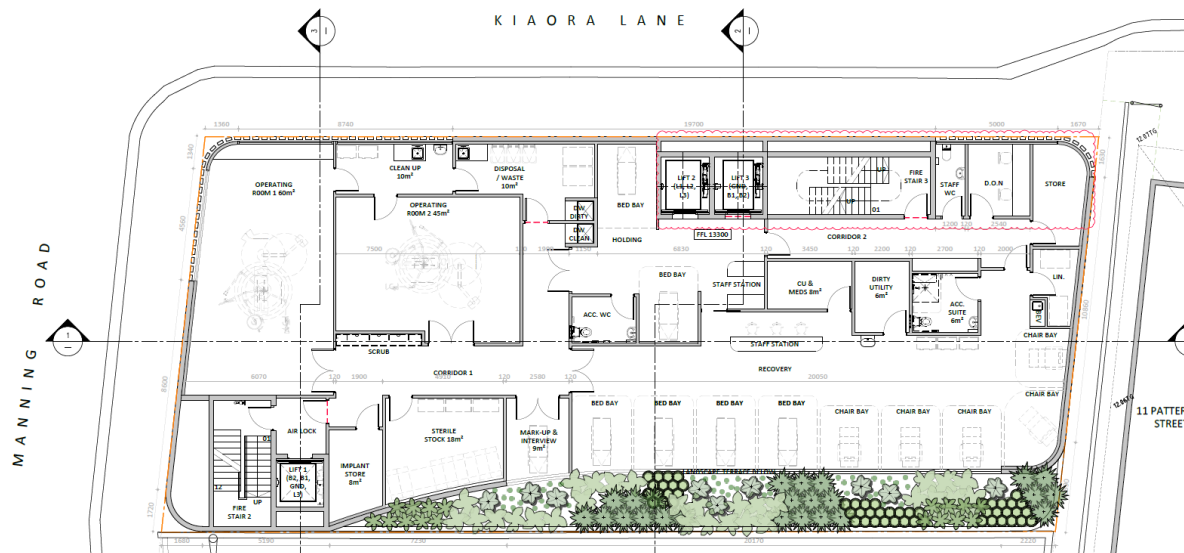
- The Medical Centre (day surgery) use at Levels 1, 2 and 3 will include treatment rooms, operation theatres, consultant and procedure rooms with staff rooms and other ancillary facilities.

The proposed hours of operation for the Medical Centre will be from 6.00am to 6.00pm, Monday to Friday. The centre will be closed on Saturday, Sunday and Public Holidays. The facility will accommodate up to 33 support staff members, including 8 doctors, practitioners, admission staff, and reception personnel. A maximum of 4 patients will undergo surgery simultaneously, with patients scheduled throughout the day, depending on procedural bookings.

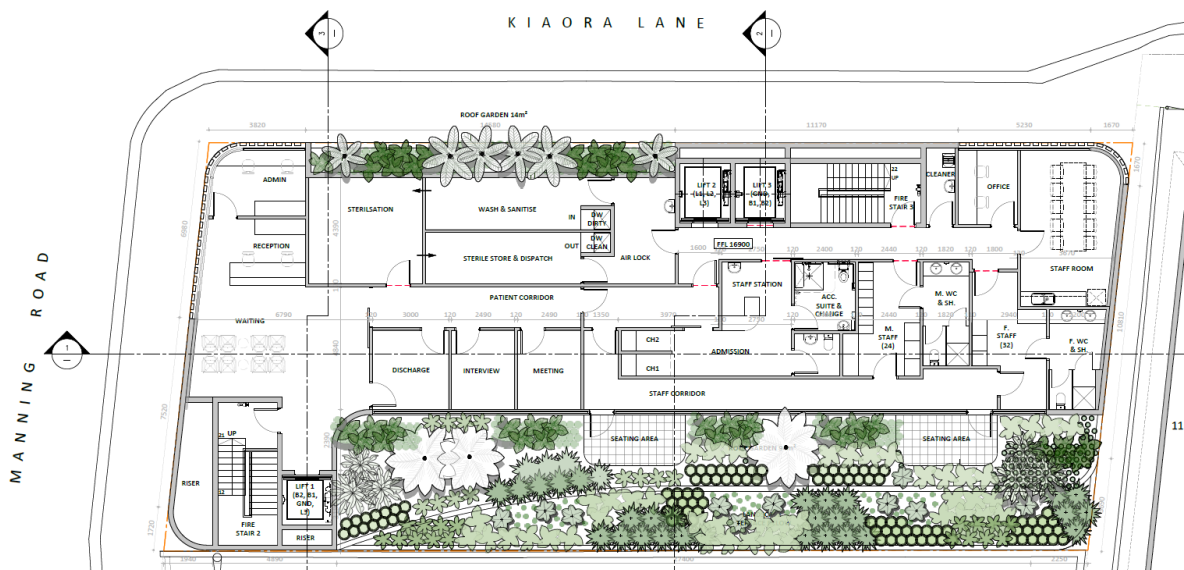
The proposed hours of operation of the retail tenancy are subject to a future application.



Proposed Level 1 Plan



Proposed Level 2 Plan



Proposed Level 3 Plan

- A two-level basement will accommodate 10 spaces at Basement Level B2 and another 10 spaces (including 4 drop-off spaces) at Basement Level B1, with vehicle access via an existing crossover to Kiaora Lane. Pedestrian access to ground level retail will be obtained via Kiaora Lane, while two points of access to the Medical Centre above is via Manning Road and Kiaora Lane.
- Planting is proposed within the elevated structures and planter beds and within a single planter located along Manning Road.
- The erection of a non-illuminated business identification sign to the Kiaora Lane façade.



Figure 3: 3D Perspective of Proposal (Source: Functional Design Statement prepared by Shellshear Young, dated 30 May 2025)

The key development data is provided below in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	587.2m ²
GFA	1,456m ²
FSR (2.5:1 Standard)	2.48:1
Max Height (14.7m Standard)	17.7m
Clause 4.6 Request	Yes – Clause 4.3: Height of Buildings
No. of apartments	Nil
Landscaped area	Provided above elevated structures, within planter beds, and within a planter proposed along Manning Road.

Control	Proposal
Car Parking spaces	20 spaces including 4 drop-off spaces at Basement Level B1
Setbacks	Sited with a zero setback at Basement level, varying setbacks to each street interface at Ground Floor Level and the levels above generally feature a zero setback to all title boundaries, with the exception of the southern boundary and a small portion of Level 3 to the north.

5. ISSUES

None.

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.3	Height of Buildings	+3.0m or 20.4% departure from the 14.7m control	Satisfactory*

*The Proposal will achieve the relevant objectives of the standard and that of the zone where the site falls within. The submitted CI 4.6 is considered to be well founded with sufficient planning grounds.

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features

The Site is located at No.4-8 Manning Road, Double Bay and is legally known as SP43881 (4 Manning Road) and Lots 2 & 3 DP 829784 (6-8 Manning Road) (refer to **Figure 1**). The Site is located on the corner of Manning Road and Kiaora Lane, between New South Head Road to the far north and Court Road to the far south.

The Site is a generally rectangular shaped lot, with a 16.22m frontage to Manning Road, a 36.47m frontage to Kiaora Lane and an overall site area of 587.2m². As indicated on the site survey, the Site is not burdened or benefited by any easements to adjacent lots.

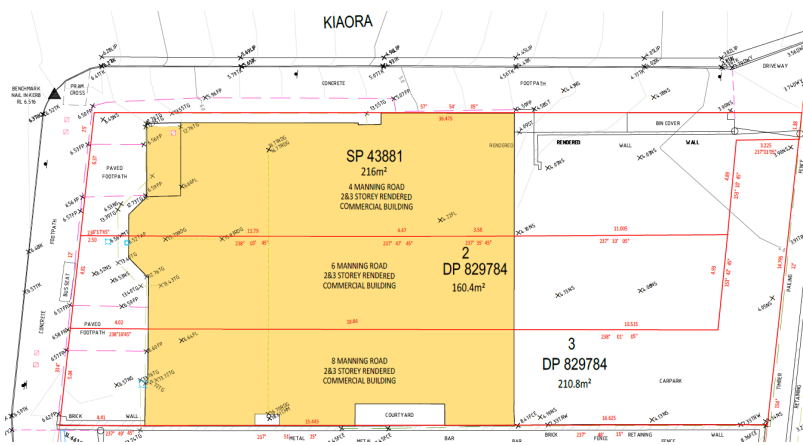


Figure 4: Survey Plan [Source: Survey Plan prepared by Beveridge Williams Land & Survey Consultants, dated 31 March 2021]

Topography

The land features a 2.55m fall, in an easterly direction, towards the rear of the Site.

Existing buildings and structures

The Site is occupied by a part two, part three storey mixed use building comprising commercial premises at ground floor, fronting Manning Road, and apartments to the rear (refer to **Figure 5 & 6a & b**). Parking is provided at grade to the rear of the building, accessed via Kiaora Lane.



Figure 5: View of Site from Manning Road [Source: Site Inspection, dated 10/04/2025]



Figure 6a: View of Site from Kiaora Lane [Source: Site Inspection, dated 10/04/2025]



Figure 6b: View of Site from Kiaora Lane [Source: Site Inspection, dated 10/04/2025]

The Site is mostly paved, with minimal landscaping provided in the form of low shrubs/grass/pebbles within the existing front setback to Manning Road, hedging which intermittently run the length of Kiaora Lane, and trellis growing plants that surround the building.

The Site is not a heritage item, nor is it located within a heritage conservation area. The following heritage item is located in proximity of the Site:

- I205 - Weeping Lilli Pilli, all Bangalow Palms, Washingtonia Palm, Queens Palms, Cabbage Palms at 5 Manning Road DOUBLE BAY NSW 2028

The Site is located within a Flood Planning Area and a Class 2 area as specified in the Acid Sulfate Soils Map (refer to **Figure 7**).

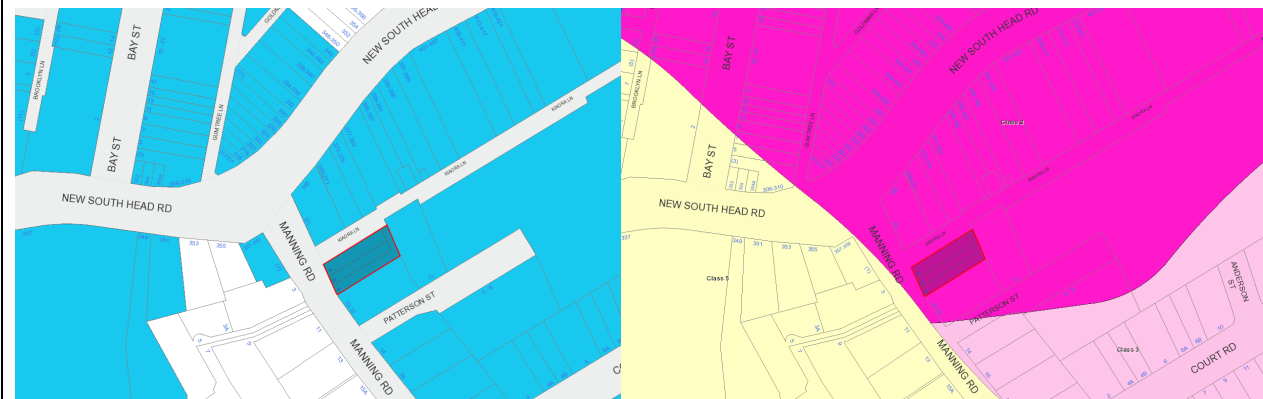


Figure 7: Flood Planning Area Map (left) & Acid Sulfate Soils Map (right) (Source: Woollahra Web Maps)

Surrounding Environment

The Site is located within the Double Bay Centre, as designated in Part D5.1.1, Chapter 5 – Double Bay Centre of the Woollahra DCP 2015 (refer to **Figure 8**). Being positioned at the edge of the Double Bay Centre, the Site is situated within an approximate 9-minute walk of Edgecliff Railway Station and a 2-minute walk of bus services to and from the city running along New South Head Road. Additionally, a bus stop is located right in front of the Site at Manning Road for bus services to Bondi Junction. Retail shops and restaurants in the Double Bay Centre are within a 2-10-minute walking distance.



Figure 8: Location Plan illustrating the Site's location within the Double Bay Centre (Source: Page 1 of Part D5.1.1 of the Woollahra DCP 2015)



Figure 9: Aerial Photography of Site (Source: Woollahra Web Maps, dated 20 January 2025)

Development that immediately surrounds the Site comprises a mixture of uses and buildings as follows:

- Three properties are situated to the **north** of the Site, across Kiaora Lane, at No.365, 369-371 & 373-375 New South Head Road. Each site features a two-storey commercial building (respectively).



View of 365 New South Head Road [Source: Site Inspection, dated 10/04/2025]

- Immediately abutting the Site to the **south**, at No.10-12 Manning Road, is a seven-storey residential flat building. Parking and access to this property is via Patterson Road.



View of 10 Manning Road [Source: Site Inspection, dated 10/04/2025]

- Immediately abutting the Site to the **east** (rear), at No. 11 Patterson Street, is a three-storey mixed-use building, featuring ground-floor businesses with residential apartments above.



View of 11 Patterson Street [Source: Site Inspection, dated 10/04/2025]

- Immediately opposite the site to the **west**, across Manning Road at No.3 Manning Road, is a three-storey residential flat building.



View of 3 Manning Road [Source: Site Inspection, dated 10/04/2025]

7. RELEVANT PROPERTY HISTORY

Current use

The land is currently used for the purpose of a mixed-use building comprising commercial premises at ground floor, fronting Manning Road, and apartments to the rear.

Relevant Application History

Nil

Requests for Additional Information and Replacement Applications

On **31 January 2025**, Council sought additional information, via a 'Stop the Clock' (STC) Letter for:

- Updated Demolition Report
- Aboriginal Heritage Impact Assessment
- Public Art - Upon further consideration, this item deemed to be not required
- 3D Model
- Owner(s) Consent

On **03 & 13 February and 27 March**, Council received a response to Council's STC Letter including:

- Owner Consent
- Updated Demolition Report
- Aboriginal Heritage Impact Assessment

- 3D Model

On **17 February 2025** and in response to a referral response provided by Council's Environmental Health Officer, Council requested additional information. This request was satisfied on the **17 March 2025** with the submission of:

- Preliminary Site Contamination Investigation (PSI)
- Geotechnical Investigation Report including Acid Sulfate Soils Assessment •
- Acoustic RFI Response Letter
- Updated Acoustic Report

On **31 March 2025**, Council requested additional information in response to concerns raised by Council's Environmental Health Officer:

- Detailed Site Investigation (DSI) Report

On **02 April 2025**, Council requested additional information in response to concerns raised by Council's Traffic Engineer:

- A more quantifiable analysis should be provided to justify the zero provision for retail parking.
- Plan amendments to show additional detail pertaining to driveway access, service vehicles and emergency vehicles.

On **10 April 2025**, Council provided the Applicant with a list of concerns raised from Council's Urban Design Consultant and additional concerns relating to the proposed signage and a need for a detailed section illustrating height dimensions as taken from the existing ground level.

On **16 April 2025**, Council received a Detailed Site Investigation (DSI) prepared by Geo-environmental Engineering (Rev 0, dated 11 April 2025).

On **24 April 2025**, the Applicant was provided with a summary of the outcome of the Panel Briefing.

On **21 May 2025**, a work-shop meeting was conducted between Council's Assessing Officer, Urban Design Consultant, the Applicant, Architect, the Applicant's client representative and the Applicant's newly engaged Urban Design Consultant.

On **04 June 2025** and in response to concerns raised by Council's Urban Design Consultant & Traffic Engineer and feedback received from the Panel Briefing and during the work-shop meeting, Council received:

- Revised Architectural Plans to show (but not limited to):
 - Deletion of planters within the northern side setback (presenting to Kiaora Lane) at Ground Floor Level.
 - New paving with FFLs nominated, along the Sites' interface with Manning Road and Kiaora Lane, to ensure level access to adjoining public footpaths.
 - FFL to Ground Floor Tenancy 1 modified to ensure level access to Kiaora Lane.
 - Modifications to the booster cabinet and fire stair presenting to Manning Road, ensuring no door opening projections into public land.
 - Introduction of a planter along the Manning Road frontage at Ground Floor Level.
 - Increased setbacks to lift core, stair and basement entry from Kiaora Lane at Ground Floor Level.
 - Planter along northern elevation at Level 3 increased in width from 800mm to 1.2m.
 - Introduction of additional 'hit-and-miss' brickwork along all elevations.

- Relocation and reduction to the size of proposed business identification signage.
Deletion of internal illumination.
- Revise Clause 4.6 Written Request
- Traffic Advice
- Urban Design Report
- Functional Design Statement

8. REFERRALS

Referral	Summary of Referral Response	Annexure
Development Engineering	Satisfactory - No objections subject to recommended conditions	6
Trees and landscaping	Satisfactory - No objections subject to recommended conditions	7
Heritage	Satisfactory - No objections subject to recommended conditions	8
Traffic	Satisfactory - The original assessment undertaken by Council's Traffic Engineer raised concerns in relation to car parking and access, service vehicles & emergency vehicles. Subsequent to a review of additional Traffic Advice, a re-referral response concluded that the Proposal is satisfactory, subject to conditions.	9
Urban Design	The original assessment undertaken by Council's Urban Design Consultant raised various concerns and recommended various design amendments. Subsequently, Council received revised Architectural Plans and supporting Urban Design Statements aimed at addressing the concerns raised. The amendments made adequately addressed Council's Urban Design Consultant's concerns.	10
Environmental Health	Satisfactory - The original assessment undertaken by Council's Environmental Health Officer determined that insufficient information had been submitted to enable an assessment of the Proposal. Subsequent to a review of additional information, a re-referral response concluded that the Proposal is satisfactory, subject to conditions.	11
Drainage	Satisfactory - No objections subject to recommended conditions.	12
Water NSW	Satisfactory - General Terms of Approval have been provided.	13
Transdev John Holland	Satisfactory – Informal comments received indicating Transdev do not have any objection to the Proposal subject to a need to consult with them regarding the implementation of a Traffic Guidance Scheme (TGS).	-

Referral	Summary of Referral Response	Annexure
	<p>A TGS is a plan that outlines how traffic will be managed around a work site that may impact public roads or footpaths.</p> <p>Council's Traffic Engineer has recommended a condition which requires the preparation of a Construction Traffic Management Plan, and it is the review of this document that will trigger the Engineering Team to identify the relevant stakeholders for consultation i.e. Transdev John Holland.</p> <p>It is also noted that the bus seat is in the ownership of Council.</p>	

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* include the following:

1. The provisions of any environmental planning instrument
2. The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)
3. The provisions of any development control plan
4. The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4
5. The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
6. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
7. The suitability of the site for the development
8. Any submissions made in accordance with this Act or the regulations
9. The public interest

9. ADVERTISING AND NOTIFICATION

9.1 Submissions


The DA was advertised and notified from 25 September 2024 to 10 October 2024 in accordance with Chapter 6 of the Woollahra Community Participation Plan. Submissions were received from:

1. Alicia Watson - 42/10-12 Manning Road, Double Bay
2. Khosro Hezarkhani - 12/10-12 Manning Road, Double Bay
3. Mary Karras – 10 Manning Road, Double Bay
4. Jason Walter – Unknown
5. Sascha Ettinger – 5 Manning Road, Double Bay
6. Geri Ettinger – Directors of Sahun Pty Ltd, Proprietor of 3A Manning Road, Double Bay
7. Adam Ezekiel - U31 10-12 Manning Rd, Double Bay
8. Geri Ettinger – proprietor of 5 Manning Road
9. Hal Epstein – Unknown

10. Joanna Mae Park & Steven Jones-Evans - 7 Manning Road, Double Bay. Objector contacted regarding an inability to open email attachment. No response received.
11. Anthony and Elizabeth Tregoning - 12 Pine Hill Avenue, Double Bay
12. Mark Silcocks - 19 Court Road, Double Bay
13. Richard Stenlake – Unknown
14. Richard Reisner - 5B/2-22 Knox Street Double Bay
15. Doug Joshua – 8A Court Road, Double Bay
16. Barbara Vyden - 15/4 Henrietta Street, Double Bay
17. Dinny De Celis – Unknown
18. Shaz Tinant - 1 Glendon Rd, Double Bay
19. Kay Gladstone - 50 Epping Road
20. Miranda Marshall - 3/3 Bradley Ave Bellevue Hill
21. Merrill Witt – Councillor
22. Peter and Megan Benjamin - 5/337 New South Head Road, Double Bay
23. Steve Gordon - 337 New South Head Road, Double Bay
24. Joyce Somm - 13/337 New South Head Road, Double Bay
25. Harriet Millett – Unknown
26. Philip Mason - 6 Court Road, Double Bay
27. Timothy Rohl – 11/337 New South Head Road, Double Bay
28. Tom Ecker – Unknown
29. Maree Dixon – Unknown
30. Silas Banks & Barbara Banks – 39 Epping Road, Double Bay

The issues raised in these submissions included the following:

Issue	Conclusion
Non-compliance with the WLEP & WDCP Controls The Proposal does not comply with the WLEP And WDCP regarding setbacks, height, FSR, solar access, overshadowing, traffic/parking, noise and privacy, deep soil landscaping, desired future character, and zone objectives.	Satisfactory - The Proposal, as conditioned, is considered to be acceptable with regards to the relevant provisions of the WLEP 2014 and WDCP 2015. Refer to Section 14 and 15 of this report for detailed assessment.
View Loss A broad statement was made noting that Council should consider the Tenacity Consulting planning principles as it relates to U31/10-12 Manning Rd.	Satisfactory – Based on imagery provided by the Objector from Unit 31/10-12 Manning Rd (see image below), the Proposal will not result in the loss of any significant private views. In light of the principals of Tenacity, views that can be achieved from the balcony of Unit 31 will be limited to the sky and side elevation of the existing building, which is not considered to be a significant view. Whilst the Proposal will obstruct outlook of the sky, the level of impact is considered to be ‘minor’ and acceptable on the basis that the identified view is not significant, the view can only be achieved across the Site and a compliant development Proposal will result in a similar view impact.

Issue	Conclusion
	 <p>It is further noted that Council's Urban Design Consultant has reviewed the Site on Council's online 3D model and would not expect the proposed height variation to cause any unreasonable view loss on neighbouring properties.</p>
<p>Overshadowing & Solar Access It would also obliterate light from 10 Manning Road, and overshadow buildings such as numbers 3, 11 and 13 across the road.</p>	<p>Satisfactory - The Proposal will not result in any unreasonable additional overshadowing impacts. Furthermore, properties on the opposite side of Manning Road will remain unaffected from 12PM to 3PM. Refer to Section 15.1.4 of this report for detailed assessment.</p>
<p>Privacy Balconies and windows directly overlook private residential spaces.</p>	<p>Satisfactory, subject to conditions.</p>
<p>Excessive Height & Bulk The Proposal will result in an overpowering visual impact and is incompatible with the local area and desired future character of the area.</p> <p>The Proposal will result in excessive height and extended length along the boundary.</p>	<p>Satisfactory - The Proposal has been amended, and the overall visual appearance is considered to be modest in scale, appropriately responding to this corner location as well as the existing and desired future character of the area. Refer to Sections 14.4 & 15.1 of this report for detailed assessment.</p>
<p>Signage The prominent sign on the Manning Road frontage would impact residences on the other side of the road and should not be approved.</p>	<p>Satisfactory - In response to this concern, the plans were revised to show the replacement of the originally proposed illuminated business identification sign located along the Manning Road facade with a non-illuminated business identification sign located along Kiaora Lane, which is considered to be compatible with the visual character of the area. Given it will remain non-illuminated and has been located away from the Site primary residential interface, it will not result in any adverse amenity impacts to neighbouring residential properties.</p>
<p>Noise Medical operating theatres with noisy equipment will affect the</p>	<p>Satisfactory - Standard amenity conditions will mitigate unreasonable noise emissions.</p>

Issue	Conclusion
liveability of neighbouring apartment.	
<p>Excavation, Structural Risk & Flooding</p> <p>The depth and extent of the excavation and the resulting de-watering of the ground presents a serious risk to surrounding properties including by way of structural damage.</p> <p>The dewatering of Patterson Street to build Papillon only 20 metres from this site caused tremendous subsidence and collapsed plumbing for very many cottages within 200 metres of that site.</p> <p>This area is a low-lying flood plain of reclaimed land. The water table is as high as 1m below ground level. The need for dewatering is unacceptable.</p>	<p>Satisfactory - Council's Development Engineer and Drainage Engineer have no objection to the Proposal, subject to conditions. Further, Water NSW has not raised any concerns with a proposal for dewatering, subject to General Terms of Approval (GTA).</p>
<p>Lack of Landscaping</p> <p>Loss of hedging & insufficient landscaping on site. Proposed gardens are not accessible for maintenance purposes.</p>	<p>Satisfactory - Council's Tree & Landscaping Officer has provided no objection to the Proposal. Whilst the Proposal is non-compliance with the relevant deep soil requirements of the WDCP, the Proposal is considered to be contextually appropriate and not dissimilar to existing site conditions, which do not currently comply. Standard amenity conditions require maintenance of landscaping.</p>
<p>Necessity & Ethics of Use</p> <p>There is no need of another establishment brandishing cosmetic services in Double Bay and we should not promote cosmetic surgery where children play and commute every day.</p>	<p>N/A - This is not a relevant planning consideration.</p>
<p>Traffic, Safety & Parking</p> <p>The Proposal will exacerbate existing traffic congestion along Kiaora Lane, Manning Road, and at its intersection with New South Head Road. Exit from 3, 3a 5, 7 & 9 Manning Road</p>	<p>Satisfactory - Council's Traffic Engineer has provided no objection to the Proposal, subject to conditions. It is further noted that Condition D.1(e) has been recommended to ensure the existing driveway width is retained in order to avoid the loss of on-street parking.</p>

Issue	Conclusion
<p>properties continually blocked by queueing traffic. Traffic queueing at car lift entrance may cause vehicle spillover into public roads.</p> <p>The Proposal to build right to the boundary of both Manning Road and Kiaora Lane would create a danger for vehicles exiting Kiaora Lane, where visibility would be limited.</p> <p>Loss of parking along Kiaora lane.</p> <p>Car lift and service vehicle loading issues.</p> <p>The impact of cars constantly going to and from the proposed medical centre to drop off and pick up patients having day surgery or attending appointments, coupled with their inability to park on-site during procedures, it will put further pressure on both on and off-street parking in the area, which is already at capacity.</p>	
<p>Bus Stop The Proposal has obliterated a frequently used bus stop located on Manning Road.</p>	<p>Satisfactory – The DA has been referred to Transdev John Holland who have provided no objection to the Proposal.</p>
<p>Public Domain Contribution: The development fails to demonstrate a positive contribution to the public domain. Instead, it poses potential adverse impacts on neighbouring properties, which is contrary to the objectives of fostering harmonious and beneficial community spaces.</p>	<p>Satisfactory – The Architectural Plans were revised to include public domain works including repaving the pathway along Maning Road.</p>
<p>Draft Double Bay Strategy Given that the Double Bay Commercial Centre planning Proposal requires additional work, as well as Council approval before even being placed on public exhibition, it should not be relied upon to</p>	<p>Concerns are generally concurred with.</p> <p>Ambiguity currently exists as to whether weight should be given to the Draft Double Bay Strategy, which would then inform Council's consideration of the desired future character of the area. A number of court judgements have been issued to inform this debate.</p>

Issue	Conclusion
justify the following variation in height.	In considering the various court judgements, coupled with the knowledge that Council has yet to prepare a planning proposal to enact the Draft Double Bay Strategy, Council maintains a position that the Strategy is neither imminent nor certain.

9.2 Statutory Declaration

The applicant has completed a statutory declaration, dated 23/06/2025, declaring that the site notice for DA2024/557/1 was erected and maintained during the notification period in accordance with the Woollahra Community Participation Plan.

9.3 Amended Plans

The amended plans and revised documentation noted in Section 7 were not renotified to surrounding residents/previous objectors because they were considered to have no greater environmental or amenity impact.

10. STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The provisions of SEPP (Biodiversity and Conservation) 2021 that are relevant to the subject site and application involve managing development in terms of the following:

- Chapter 2 Vegetation in non-rural areas
- Chapter 6: Water Catchments

Chapter 2: Vegetation in non-rural areas

This chapter requires the consideration of the proposal with regard to tree impacts.

Clause 2.9(1) defers assessment to the appropriate development control plan in determining vegetation to which Chapter 2 applies. Accordingly, Chapter E3 Tree Management under WDCP 2015 is applicable.

Based on a review of the Architectural Plans including Landscape Plan, Council's Tree and Landscape Officer considers the Proposal to be satisfactory in terms of tree preservation and landscaping, subject to compliance with special Conditions of Consent.

More specifically, Council's Tree and Landscaping Officer provided the following commentary:

'SUMMARY

Control drawing 7 of chapter D 5.5.7 of the Double Bay Centre DCP requires a landscaped area of 90 square metres at the rear southeastern section of 8 Manning Road. The relevant landscape objectives set out in chapter 5.6.5.3 (Landscaped areas) being:

O1 Ensure development immediately adjoining residential blocks continues the pattern of built form and open space established in the block.

O2 Provide landscaped areas, typically in the centre of blocks, to preserve and extend established open spaces.

Within this area the proposal includes a Landscaped area of 53 square metres on Level 1 and a Roof Garden/open space area of 94 square metres. As the proposed planting is entirely within elevated structures and planter beds the proposal does not technically satisfy control C1 of chapter 5.6.5.3 Landscaped areas that states:

Control C1 "Above ground development may not occur within the landscaped area shown on the control drawings, Section 5.5.5—5.5.11. 50% of the area designated as landscaped area must be a deep soil landscaped area".

*In addition to this the depth of planter beds proposed for the Level 1 Landscaped area are 800 mm which is considered insufficient for the planting of 4 *Livistona australis* trees that will grow to a minimum height of 8 metres. This also translates to the proposal not satisfying Control C2 of chapter 5.6.5.3 Landscaped areas which states that:*

Control C.2 Plantings over underground structures should have sufficient soil depth to allow sustainable planting.

When assessed against the Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures the minimum planter bed depth to support trees of this size should be 1 metre.

COMMENTS

While strictly speaking the proposal does not satisfy Controls C1 & C2 of Chapter D5.6.5.3 Landscaped areas, it is obvious that proper thought and consideration has been given to the species selection represented on the submitted Landscape Plan. All of the species selected are considered suitable for planting on structures and with an increase in depth to the planter beds on Level 1 there is a likelihood of a high-quality landscape outcome. Condition D.1 of this referral response requires changes to the details of the development to ensure an increase to the Level 1 planter bed depth.

Although the design of Control C1 within D5.6.5.3 is to ensure that objectives O1 and O2 of the chapter are met it should be noted the open space area currently existing in the rear of 8 Manning Road and neighbouring 10-12 Manning Road is a concrete carpark only and devoid of deep soil garden areas.'

Overall, the Proposal, subject to **conditions**, is satisfactory with regard to Chapter 4 of this SEPP.

Chapter 6: Water Catchments

Chapter 6 (Water Catchments) of the SEPP (Biodiversity and Conservation) 2021 applies to the subject land which is located within a regulated catchment being the Sydney Harbour Catchment.

The Site is within the Sydney Harbour Catchment but is outside the Foreshores and Waterways Area and therefore only the provisions in Part 6.2 of the SEPP applies.

In deciding whether to grant development consent to development on land in a regulated catchment, matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management must be considered.

The Proposal does not contravene the relevant general requirements under Part 6.2 of this SEPP.

11. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The provisions of SEPP (Resilience and Hazards) 2021 that are relevant to the subject site and application involve managing development in terms of the following:

- Chapter 2: Coastal Management
- Chapter 4: Remediation of land

Chapter 2: Coastal Management

The provisions of this chapter that are relevant to the subject application involve managing development in the coastal zone and protecting the environmental assets of the coast.

The Site is located wholly outside of the Coastal Environment Area (Clause 2.10) and the Coastal Use Area (Clause 2.11).

It is considered that the Proposal would not have any significant adverse environmental impact upon the harbour coastal locality. On this basis, no further consideration is required under Chapter 2 of this SEPP.

Chapter 4: Remediation of Land

Under Clause 4.6(1)(a) of SEPP (Resilience and Hazards) 2021, consideration has been given as to whether the subject site, on which the development is occurring, is contaminated.

Based on a review of the Architectural Plans, Preliminary Site Investigation Report and Detailed Site Investigation (DSI) Report, Council's Environmental Health Officer has no objection to the Proposal, subject to conditions.

Accordingly, the Proposal, subject to **conditions**, is satisfactory with regard to Chapter 4 of this SEPP.

12. STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The provisions of SEPP (Transport & Infrastructure) 2021 that are relevant to the subject site and application involve managing development in terms of the following:

- Chapter 2: Infrastructure

Chapter 2: Infrastructure

Clause 2.60(1) permits 'health service facilities' to be carried out with development consent by any person on land in a prescribed zoned, including E1 – Local Centre Zone. There is no development standards prescribed for health services facilities under this SEPP.

The proposed 'health services facility' is defined in the Standard Instrument – Principal Local Environment Plan 2006 as a *'building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons' and includes a medical centre.* The proposed development aligns with this definition.

The proposed development is not located on a classified or main road. Furthermore, the Proposal does not constitute a 'traffic generating development' as it is development for 'any other purpose'

and will generate less than 200 vehicles per hour. As such, the Proposal does not require referral to Road and Maritime Services (RMS).

13. STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY & EMPLOYMENT) 2021

The provisions of SEPP (Industry & Employment) 2021 that are relevant to the subject site and application involve managing development in terms of the following:

- Chapter 3: Advertising and signage

Chapter 3: Advertising and signage

Clause 3.6 states:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

The revised Proposal involves the erection of a non-illuminated business identification sign located along the Kiaora Lane façade.

The size and location of the proposed sign is considered to be compatible with the visual character of the area, achieving Objective (1)(a)(i) of Clause 3.1(1)(a). Particular note is given to the type of existing signage featured along Kiaora Lane which includes non-illuminated business identification signs located just above ground level and includes large lettering.

In light of the relevant considerations of Schedule 5, the proposed business identification sign is compatible with the existing character defining Kiaora Lane, and the scale, proportion of the sign is appropriate for the streetscape, achieving Points 1 and 4 of Schedule 5.

Accordingly, the Proposal is acceptable with regard to Chapter 3 of this SEPP.

14. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

14.1 Clause 1.2: Aims of Plan

The Proposal is consistent with the aims in Clause 1.2(2) of the WLEP 2014.

14.2 Land Use Table

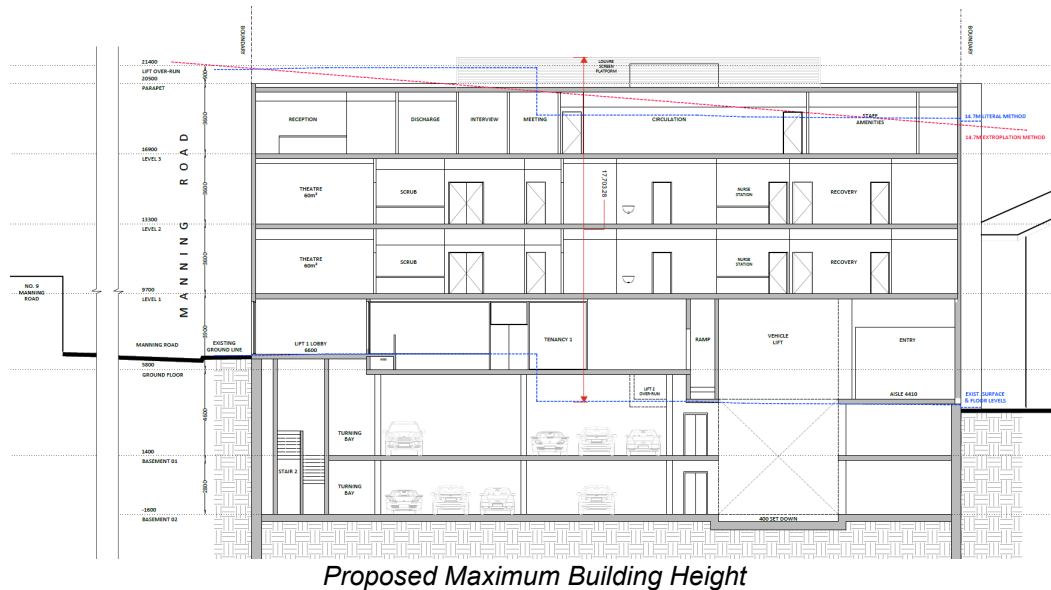
The Proposal is defined as a mixed-use building comprising a commercial premises (retail) and a 'Medical Centre', which is permitted with consent in the zone.

The Proposal is consistent with the objectives of the E1 Local Centre Zone.

14.3 Clause 4.3: Height of Buildings

Clause 4.3(2) limits development to a maximum height of 14.7m.

	Proposed	Control	Complies
Maximum Building Height	17.7m as measured to the top of rooftop screening	14.7m	No



14.4 Part 4.6: Exceptions to Development Standards

Part 4.6(1) of the WLEP 2014 allows a contravention of a development standard given its objectives seek to allow for an appropriate degree of flexibility in applying certain development standard, and to achieve better outcomes for and from development.

Where a development application involves a contravention of a development standard, Part 35B(2) of the EP&A Regulation 2021 requires the DA to be accompanied by a document (written request) that sets out the grounds on which the applicant seeks to demonstrate the 'unreasonable and unnecessary' and 'sufficient environmental planning grounds' tests i.e. compliance with Part 4.6(3) of the WLEP 2014.

In this instance, the DA proposes to contravene the 'Height of Buildings' development standards and has submitted a Clause 4.6 Written Request for the breach, which has been assessed below.

14.4.1 Clause 4.6(3) – Assessment of Written Request

Part 4.6(3) stipulates a DA must not be approved if it contravenes a Development Standard unless Council is satisfied:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances.

With respect to Clause 4.6(3)(a), the common ways to establish whether compliance with the development standard is unreasonable or unnecessary is known as the '5-part test' or the 'Wehbe test' (from the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827).

The test can be summarised as follows:

Compliance with the development standard is unreasonable or unnecessary if:

- Test 1: The Objectives of the development standard are achieved notwithstanding the non-compliance.
- Test 2: The underlying objective or purpose is not relevant to the development.
- Test 3: The underlying objective or purpose would be defeated or thwarted if compliance was required.

- Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard.
- Test 5: The zoning of the land on which the development is proposed was unreasonable or inappropriate.

It is important to note that the Applicant need only satisfy one part of the Wehbe test, not all 5 parts, to Council's satisfaction. The Clause 4.6 written request prepared by the applicant satisfies Test 1. A detailed assessment has been outlined below.

Test 1:

The objectives of Part 4.3 are as follows:

- (a) *to establish building heights that are consistent with the desired future character of the neighbourhood,*
- (b) *to establish a transition in scale between zones to protect local amenity,*
- (c) *to minimise the loss of solar access to existing buildings and open space,*
- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*
- (e) *to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

The objectives of E1 Local Centre Zone are as follows:

- ***To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.***
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- ***To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.***
- ***To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.***
- ***To ensure development is of a height and scale that achieves the desired future character of the local centre.***
- *To encourage development that is compatible with the local centre's position in the centres hierarchy.*
- ***To ensure development provides diverse and active ground floor uses to contribute to vibrant and functional streets and public spaces.***
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage the retention and planting of trees and other vegetation as part of development to minimise the urban heat island effect and to improve microclimates.*

The Proposal achieves objective (a) of Clause 4.3(1), which seeks '*to establish building heights that are consistent with the desired future character of the neighbourhood*' and will achieve the objectives of the E1 Local Centre Zone (bullet-points 1, 4, 5, & 8).

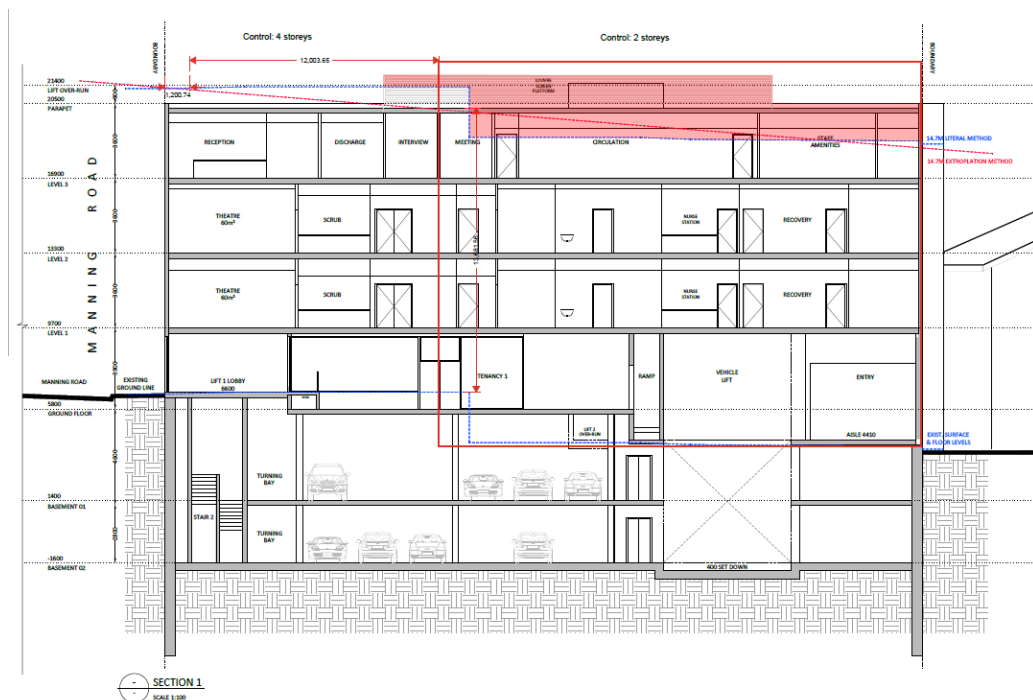
Whilst 'Desired future character' is not defined in the WLEP, the desired future character for the Site is clearly defined by:

- Built form envelopes prescribed by the WLEP.
- Control Drawing 7 under D5.5.11 of the WDCP.

- The desired future character statement for The Lanes under D5.4.8 of the WDCP.
- The desired future character statement for Kiaora Lane under D5.4.13 of the WDCP.
- The pattern of existing and the approved developments within the visual catchment of the Site.
- The public domain objectives and controls in D5.6.4 of the WDCP.

In light of the above the following commentary is provided:

- The Proposal is compatible with the desired future character for the Site as expressed by the following controls:
 - As demonstrated below, the proposed breach of the 'Height of Buildings' development standard, as prescribed by the WLEP, will be limited to a portion of Level 3 to the rear and rooftop services/screening. The proposed breach is considered to be minor and will not result in significant additional visual bulk or any unreasonable amenity impacts upon neighbouring properties.



Height of Building Development Standard - Proposed Height Breach denoted in 'red'

- The Proposal has been designed in compliance with the FSR development standard prescribed by the WLEP.
- Part D5.5.11 (Built Form Envelopes: Control Drawing 7) of the WDCP limits development for this Site to four-storeys (14.7m) to the front of the Site, addressing Manning Road, and a two-storey height (8m) to the rear (addressing Kiaora Lane and No.11 Patterson Street) commencing at 12m from the building line at the articulation zone at the Manning Road frontage. The new building presents as four-storeys to each street frontage. Whilst the rear-portion of the new building exceeds two-storeys in height, the development has been appropriately articulated, minimising its impact upon Kiaora Lane.
- Part D5.5.11 (Built Form Envelopes: Control Drawing 7) of the WDCP requires:

- An articulation zone at the site frontages of 1.2 metres deep upon which only 50% may be built upon at Levels 2 & 3 along Manning Road and for a length of 15.6m along Kiaora Lane, as measured from the Manning Road frontage.
- A 2.4 metre setback to the laneway frontage at Ground Floor Level.
- 90m² of landscaped area at No. 8 Manning Road.

A 1.2m articulation zone is provided at Level 3 along Kiaora Lane, enabling the provision of a planter. The introduction of this planter, coupled with the integration of textured and patterned brickwork, ground level glazing, curved walls and a 'wave-like' treatment at ground and third floor, provides an appropriate degree of articulation along each frontage.

The Proposal incorporates a 2.4m setback to Kiaora Lane, with reduced setbacks proposed to the lift core, fire stair and roller door to the basement. The proposed setbacks will improve pedestrian amenity, whilst facilitating the service role of the Lane. It is further noted that proposed setbacks represent an improvement upon existing conditions and an existing vehicle crossing will be utilised.

Accordingly, the Proposal is acceptable with regard to Part D5.5.11 of the WDCP.

- v. The Proposal facilitates the service role of Kiaora Lane, whilst providing an activated laneway frontage with generous glazing presenting to the street and ground level retail, achieving the desired future character for Lanes within the Centre and for Kiaora Lane (Parts D5.4.8 and D5.4.13 of the WDCP).
- Compliance with the above local controls would result in a development that provides an inviting streetscape character, enhances pedestrian amenity and appropriately defined the corner as a key pedestrian gateway to Kiaora Lane.
 - The Proposal is compatible with desired future character as expressed by the pattern of existing and approved developments within the visual catchment of the Site, which generally do not exceed a height of 5 storeys and incorporate recessive upper floors. Prevailing and emerging heights are best illustrated diagrammatically (see **Figure 10** below).

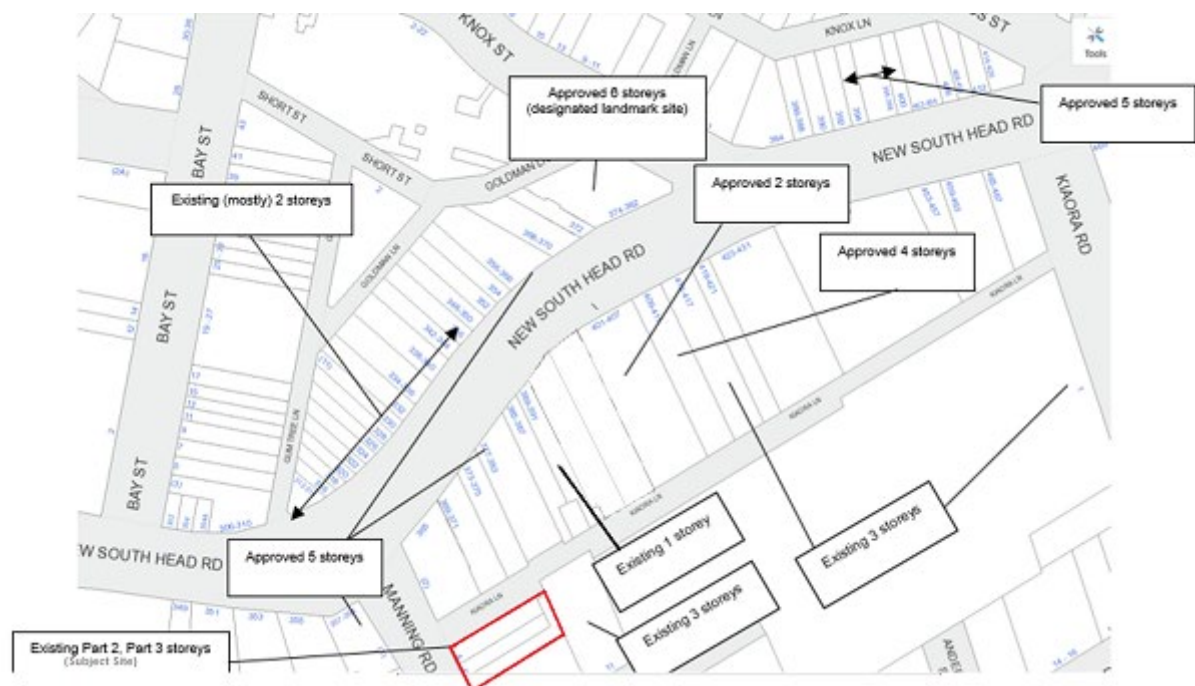


Figure 10: Existing and Approved Built Form Heights

- The Proposal incorporates a prominence of light colours and materials which is consistent with the existing and emerging character of the area.

Accordingly, the Proposal demonstrates compliance with the development standard is unreasonable or unnecessary in this circumstance.

(b) *That there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Council's assessment of the written request against Clause 4.6(3)(b) is informed by the Initial Action Pty Ltd v Woollahra Municipal Council [2018] case. In this case Preston CJ provides (at para 23) the following guidance:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be 'environmental planning grounds' by their nature: See Four2Five Pty Ltd. v Ashfield Council. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act including the objects in s1.3 of the EPA Act.'

Section 1.3 of the EP&A Act 1979 reads as follows:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The written request provides explanation of how the proposed development is reasonable and supportable in the circumstances with the following commentary being provided:

On the above basis, the following environmental planning grounds are submitted to justify contravening the building height:

1. Consistency with Local Character

The maximum height non-compliance rooftop louvre screen is located to the centre of the rooftop and setback from

both Manning Road and Kiaora Lane which minimises the visibility of the louvre from the public domain. This placement ensures compatibility with the existing and desired local character while reducing streetscape impact. Further, the Double Bay Centre features an eclectic mix of building heights ranging from 2 to 8 storeys. The proposed four-storey development, including the height variation, aligns with this context. It complements nearby buildings, such as the 7-storey structure at 10-12 Manning Road, and adjoining land to the north which is subject to an 18.1m height standard. The variation does not introduce an unfamiliar element but reflects the established character of the area.

2. Design Excellence

The proposal represents a high level of urban and architectural design excellence, achieved through thorough site analysis and iterative refinement and high quality materiality. The height non-compliance results from deliberate design choices that align with the existing and desired streetscape character while safeguarding the amenity of neighboring properties and the public domain. The non-compliance reflects the most suitable response to the site's unique conditions.

3. Redistribution of Bulk and Scale

The design strategically redistributes bulk and scale across the site. Two distinct building elements—one to the east and one to the west—are separated by significant open space. Relocating floor area towards the eastern end improves public domain presentation, enhances building articulation, and reduces the need for below-ground GFA, which would adversely impact staff and patient amenity. Compliance with height standards could only be achieved by expanding building footprints, sacrificing the distinct benefits of the current design. Importantly, the proposed non-compliance does not result in adverse visual, physical, or amenity impacts.

4. Impact of Flood Affects and Topography on Building Height

The proposed development must comply with the minimum Flood Planning Level, including a 500mm freeboard above the 100-year ARI flood level. To meet these flood protection requirements, the building's design incorporates height adjustments, contributing to the height variation. The height variation corresponds to the slope of the site from west to east. If the site were level, the proposed development would comply with the height standards. This topographical characteristic, unique to the site, was not anticipated under the blanket 14.7m height restriction.

5. Minimal Impacts on Surrounding Development

The height variation has negligible impacts on the surrounding environment, including:

- i. **Overshadowing:** The additional height does not create significant overshadowing impacts or breach WDCP 2015 solar access controls. The proposed scheme outperforms a compliant design in overshadowing effects on 10-12 Manning Road.
- ii. **Privacy:** The non-compliant elements, limited to non-habitable commercial spaces, do not directly overlook habitable rooms in neighboring residential properties. Privacy impacts are negligible.
- iii. **View Loss:** The non-compliance does not obstruct significant public or private views. The height breach is consistent with nearby developments, ensuring minimal impact on view corridors.

6. Orderly and Economic Land Use

The development offers significant social benefits, including increased employment opportunities in a sought-after location. Denying the variation would reduce commercial floor space or eliminate communal rooftop open space, adversely affecting the community. The proposal aligns with Section 1.3 of the EP&A Act 1979, by both promoting the orderly and economic use of underutilized land (1.3(c)) and enhancing design quality and built environment amenity through a well-integrated, context-sensitive approach (1.3(g)).

Further to the above, the Proposal will promote the orderly and economic use of the Site and has sought to promote good design and amenity of the built environment.

For the reasons outlined above, there are sufficient environmental planning grounds to justify the proposed contravention of the development standard.

Conclusion

The Proposal is in the public interest as it is consistent with the relevant objectives of the 'Height of Buildings' development standard and the objectives of the E1 Local Centre Zone. A departure from the control is supported in this instance.

14.5 Clause 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 2.5:1 for a residential flat building/mixed use development.

Site Area: 587.2m ²	Proposed	Control	Complies
Floor Space Ratio	2.48:1 (1,456m ²)	2.5:1 (1,468m ²)	Yes

14.6 Clause 5.10: Heritage Conservation

Parts 5.10(2) and 5.10(4) require Council to consider the effect of works proposed to a heritage item, building, work, relic or tree, within a heritage conservation area or new buildings or subdivision in a conservation area or where a heritage item is located.

The Site is not a heritage item, nor is it located within a Heritage Conservation Area (HCA).

The following listed heritage item is located in proximity of the Site:

- I205 - *Weeping Lilli Pilli, all Bangalow Palms, Washingtonia Palm, Queens Palms, Cabbage Palms* at 5 Manning Road DOUBLE BAY NSW 2028

The DA was referred to Council's Heritage Officer who confirmed the following:

- The building at 4-8 Manning Road Woollahra does not meet any of the heritage significance criteria at a local level to warrant consideration as a local heritage item.
- There will be no impact on the heritage significance of the nearby heritage item.
- The Site does contain landscape features that indicate the potential existence of Aboriginal objects as defined in Section 2, Step 2 p.12 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW ('Due Diligence Code') published by the Department of Environment, Climate Change and Water and dated 13 September 2010.
- The subject site is considered to be on 'disturbed land' as per the definition outlined in the Due Diligence Code, p. 18.

- Appropriate conditions are recommended to manage Aboriginal heritage, including unexpected finds, are provided.

Accordingly, the Proposal as conditioned, is acceptable with regard to Clause 5.10 of the WLEP 2014.

14.7 Clause 5.21: Flood Planning

The Site has been identified as possibly subject to flooding and is situated in an area that is included in the Double Bay floodplain catchment area.

The DA has been reviewed by Council's Stormwater and Environment Engineer with regards to the flood protection objectives in DCP 2015 E2.3. He has no objection to the Proposal subject to relevant conditions being imposed.

Accordingly, the Proposal as conditioned, is acceptable with regard to Clause 5.21 of the WLEP 2014.

14.8 Clause 6.1: Acid Sulfate Soils

Part 6.1 requires Council to consider any potential acid sulfate soil affectation so that it does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The Site is within a Class 2 area as specified in the Acid Sulfate Soils Map.

In accordance with the requirements of Part 6.1 of the WLEP 2015, Council received:

- Preliminary Site Investigation Report, referenced E25001DB_R01F, prepared by Geo-Environmental Engineering, dated 13 March 2025
- Geotechnical Investigation Report, referenced P2286_02_rev2, prepared by Morrow, dated 13 March 2025
- Detailed Site Contamination Report, prepared by Geo-Environmental Engineering, referenced E25001DB_R02F, dated 11 April 2025 (rev0)

The DA was referred to Council's Environmental Health Officer who reviewed the above-mentioned documents and provided no objection to the Proposal, subject to conditions.

Accordingly, the Proposal as conditioned is acceptable with regard to Part 6.1 of the WLEP 2014.

14.9 Clause 6.2: Earthworks

Clause 6.2(1) requires Council to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Excavation works are required as part of the proposal. The application is supported by a Geotechnical Investigation Report.

The proposed excavation works have been reviewed and considered by Council's technical experts as follows:

- Council's Development Engineer considers the proposed earthworks to be satisfactory in terms of geotechnical/ hydrogeological issues, subject to conditions.

- Council's Heritage Officer raised no objection on the basis of any archaeological considerations, subject to conditions.
- Council's Trees Officer has raised no objection on the basis of detrimental impacts to existing significant trees or vegetation, subject to conditions.

Accordingly, the Proposal is acceptable with regard to the relevant objectives in Clause 6.2 of the WLEP 2014.

15. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

15.1 Chapter D5: Double Bay Centre

15.1.1. Part D5.4.8 – The Lanes

The desired future character of The Lanes, as listed at Part D5.4.8 of the WDCP, is as follows:

- a) Facilitate the service role of lanes, while encouraging increased active retail frontage.*
- b) Improve pedestrian amenity by providing adequate footpaths, limiting the width and numbers of vehicle crossovers, setting buildings back on one side and preserving natural daylight to the lanes.*
- c) Enhance the spatial definition of lanes with ground and first floor building lines and buildings up to two storeys in height.*

Traditionally the service role of a lane is to permit vehicle access and enable rubbish collection/ access to onsite services. The Proposal has struck an appropriate balance between facilitating the service role of the Kiaora Lane, whilst providing adequate activation and a modest built form along this important street frontage and intersection with Manning Road. This is achieved through the introduction of a ground level retail tenancy with level access to the Lane and proposed glazing that wraps around the corner of Kiaora Lane and Manning Road. The existing situation features a ground floor that is located below the ground level of Manning Road and Kiaora Lane. Raising the ground floor level would tie the building in with the street context and improve its relationship with its urban fabric. The revised Proposal is therefore considered to provide adequate laneway activation that will improve pedestrian amenity, complying with objectives a) and b).

The Ground Floor Level, where adjacent to the proposed retail tenancy, is to be set back 2.4m from Kiaora Lane, with this area dedicated to paving, improving pedestrian amenity in accordance with Objective b).

Whilst the Proposal will incorporate a street wall height greater than 2-storeys street wall to Kiaora Lane, the building has been appropriately articulated through textured and patterned brickwork, ground level glazing, curved walls and a 'wave-like' treatment at ground and third floor, providing an appropriate response to Objective c).

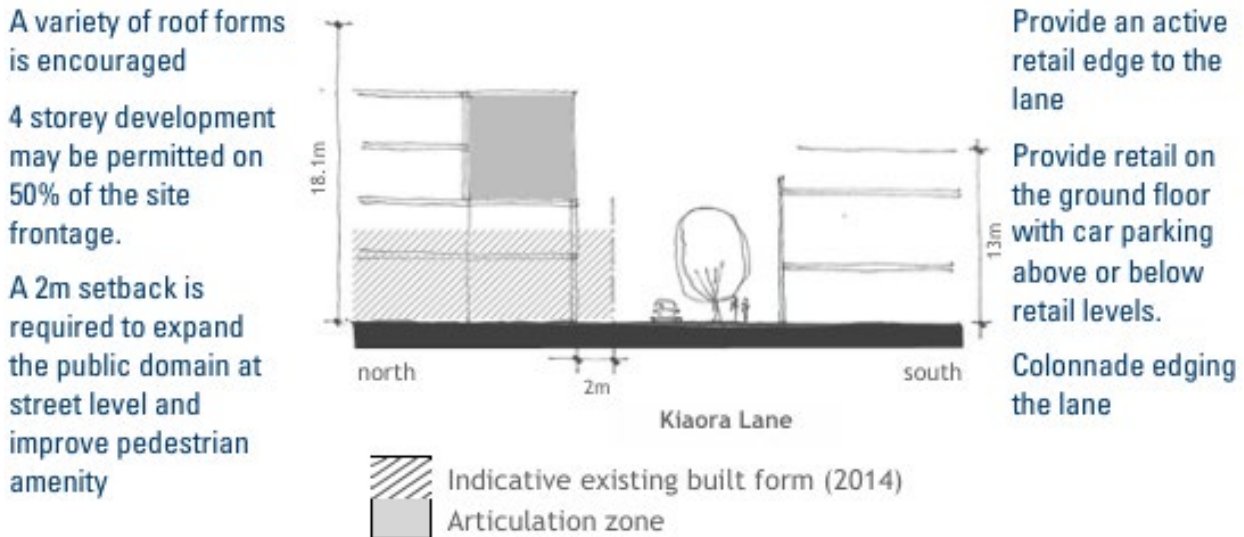
Accordingly, the Proposal is acceptable with regards to Part D5.4.8 of the WDCP 2015.

15.1.2. Part D5.4.13 – Kiaora Lane

The desired future character of Kiaora Lane, as listed at Part D5.4.13 of the WDCP, is as follows:

- a) Improve the civic quality of the lane and this side of the centre with a public building and public square adjacent to a through-site link to New South Head Road.*
- b) Enhance pedestrian amenity with a car park on the existing car park site with active retail addressing the lane.*

- c) Moderate the scale of built form along the north side of the lane with buildings of predominantly two storeys, set back 2m from the lane boundary, and interspersed with four storey development.
- d) Protect the amenity of the lane by preventing uninterrupted four storey buildings constructed to the street boundary along the northern built edge.



Note: Refer to the built form envelopes in Appendix 2 Kiaora Lands for objectives and strategy for Kiaora Lane as it relates to the Kiaora Lane site.

Height and setbacks along Kiaora Lane (Source: Part D5.4.13 of the WDCP 2015, page 31)

For reasons discussed at Section 15.1.1 of this report, the Proposal provides adequate laneway activation, improving pedestrian amenity in accordance with Objective b). The Site is located on the southern side of Kiaora Lane, whereby four-storey built forms are permissible (refer to Section 15.1.3 of this report for detailed assessment).

Accordingly, the Proposal is acceptable with regards to Part D5.4.13 of the WDCP 2015.

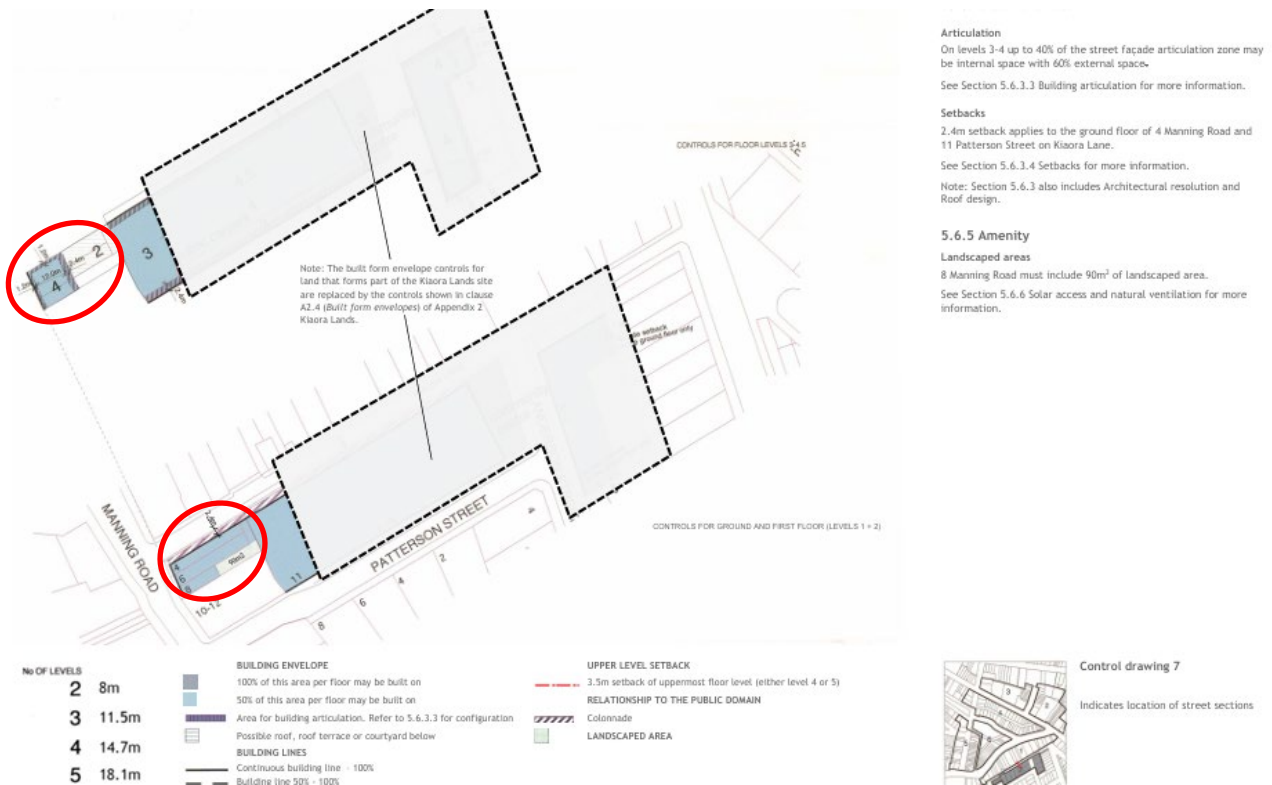
15.1.3. Part D5.5 – Built Form Envelopes

Part D5.5.11 (Control Drawing 7) prescribes the built form envelope controls that are applicable to the Site. The applicable controls include:

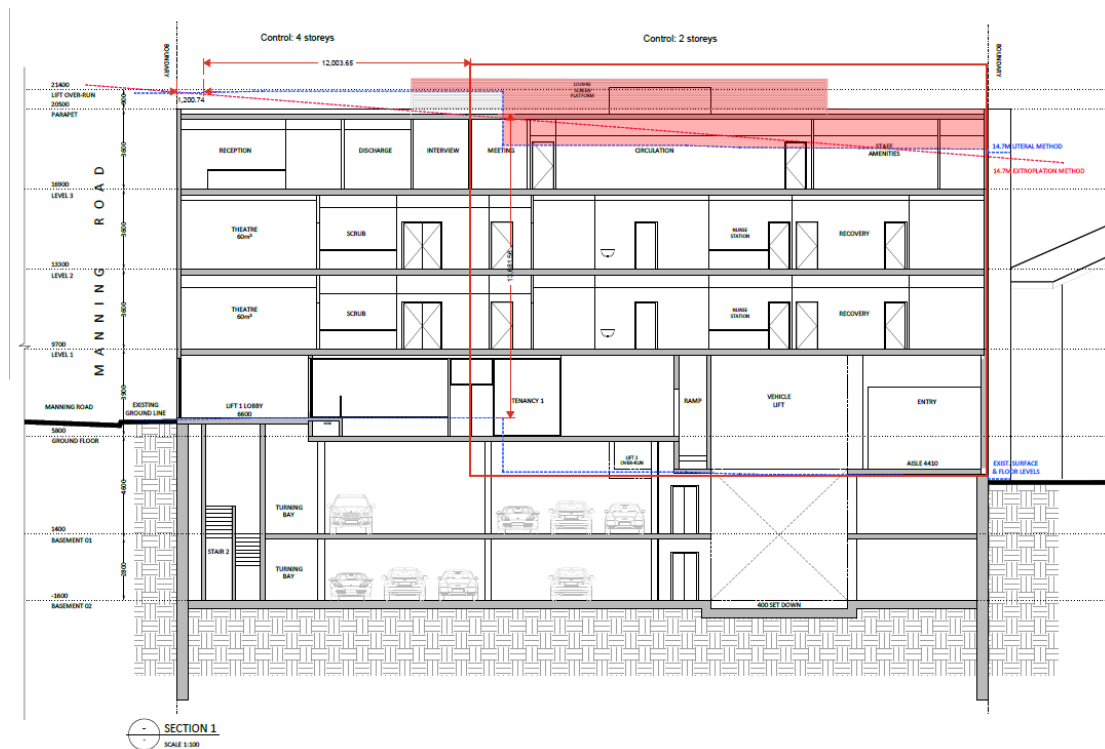
- Four-storeys (14.7m) to the front of the Site, addressing Manning Road, and a two-storey height (8m) to the rear (addressing Kiaora Lane and No.11 Patterson Street) commencing at 12m from the building line at the articulation zone at the Manning Road frontage.

The new building presents as four-storeys to each street frontage. Whilst the rear-portion of the new building exceeds two-storeys in height, the Height of Buildings development standard permits a height of 14.7m i.e. four-storeys across the length of the Site.

As illustrated below, the proposed height breach is limited to a portion of Level 3 to the rear and rooftop services/screening and is acceptable for reasons outline at Section 14.4.1 of this report.



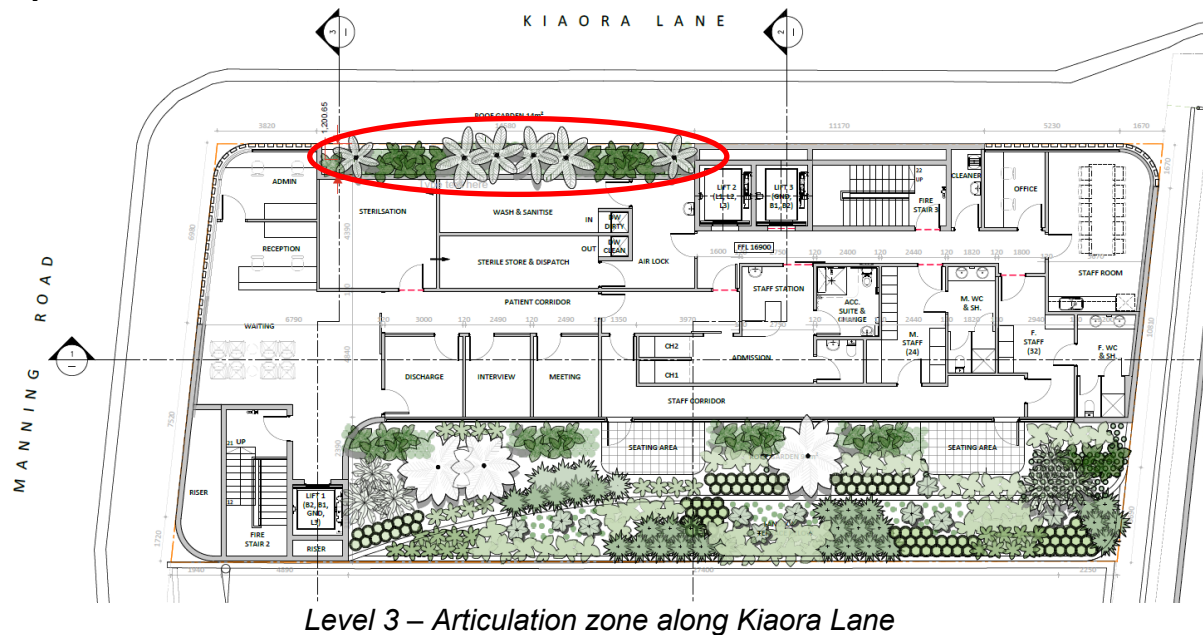
Part D5.5.11: Control drawing 7 illustrating heights & setbacks applicable to each level of the Site



- An articulation zone at the site frontages of 1.2 metres deep upon which only 50% may be built upon at Levels 2 & 3 along Manning Road and for a length of 15.6m along Kiaora Lane, as measured from the Manning Road frontage.

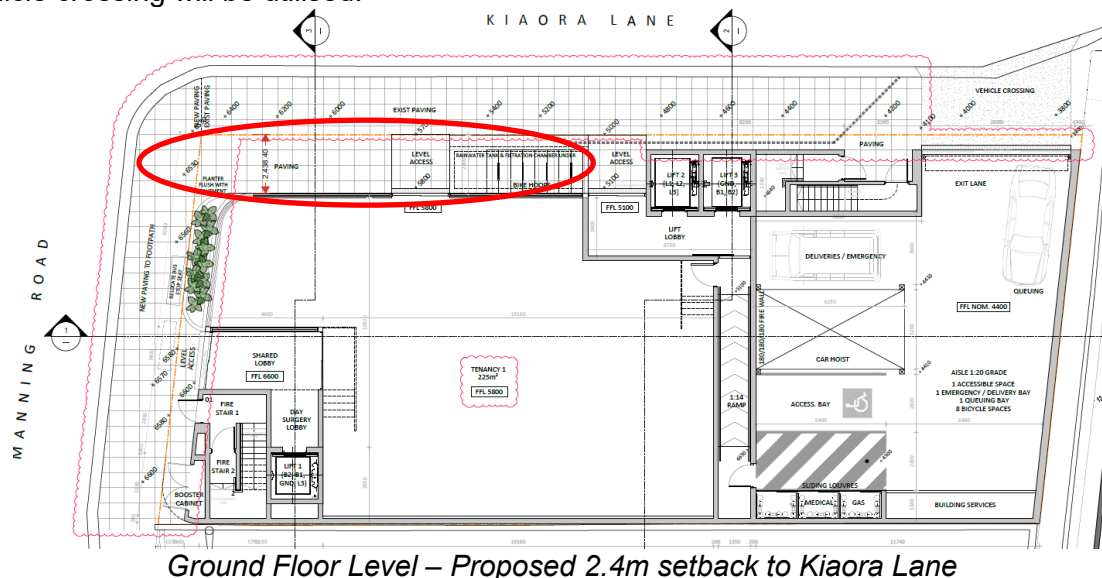
An articulation zone has not been provided along either frontage at Level 2. Whilst the Proposal does not strictly compliant with the abovementioned control, as illustrated below, a 1.2m

articulation zone is provided at Level 3 along Kiaora Lane, enabling the provision of a planter. The introduction of this planter, coupled with the integration of textured and patterned brickwork, ground level glazing, curved walls and a 'wave-like' treatment at ground and third floor, provides an appropriate degree of articulation along each frontage, complying with Objective O2.



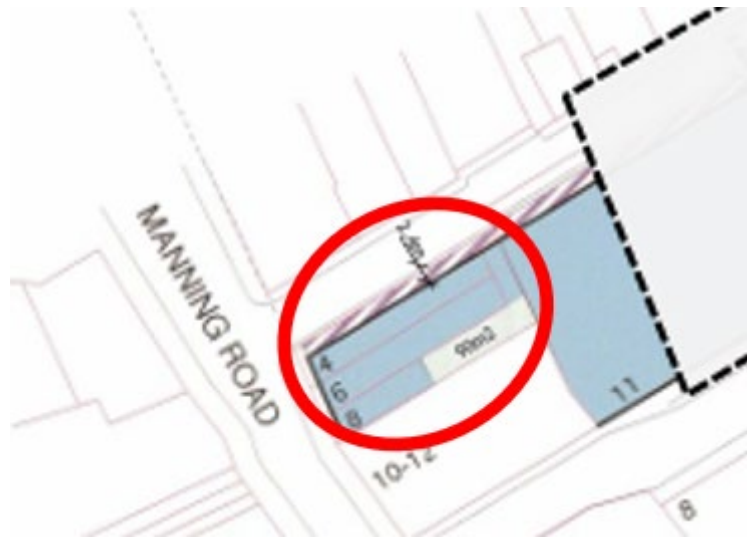
- A 2.4 metre setback applies to the laneway frontage at Ground Floor Level.

As illustrated below, the Proposal incorporates a 2.4m setback to Kiaora Lane, with reduced setbacks proposed to the lift core, fire stair and roller door to the basement. Proposed setbacks will improve pedestrian amenity, whilst facilitating the service role of the Lane. It is further noted that proposed setbacks represent an improvement upon existing conditions and an existing vehicle crossing will be utilised.



- As illustrated below, No. 8 Manning Road must include 90m² of landscaped area. Whilst 90m² of deep soil landscaping has not been proposed, 90m² of ground level landscaped area, a generous area of landscaping is proposed along the southern elevation in the form of raised planters. This is supported by Council considering it will soften the developments presentation to No.10-12 Manning Road, it will exceed the minimum 90m² requirement and the Proposal

represents a significant improvement upon existing conditions which features a very limited deep soil landscaping provision.



Accordingly, the Proposal is acceptable with regards to Part D5.4.13 of the WDCP 2015.

15.1.4 Part D5.6 – Development Controls

Part D5.6.2 - Use

Proposed building uses including a retail function at ground level and a health facility above are supported given the strategic location of the Site to the rear of New South Head Road and adjoining Kiaora Lane. The proposed uses are not expected to result in any unreasonable noise impacts, subject to standard amenity conditions. Furthermore, the new building features increased setbacks from to the southern title boundary, where it has an interface to a residential flat building at 10-12 Manning Road, minimising overshadowing impacts. The Proposal, as conditioned, therefore complies with the relevant criteria prescribed by this Part (objectives O4 & O8).

Part D5.6.3 – Urban Character

5.6.3.1 Building envelopes

Objectives O1, O2, O4

Controls C1, C3, C4

In light of the relevant objectives and controls of this Part, the following commentary is provided:

- The relevant objectives of the building envelope controls are achieved as noted within Section 15.1.3 of this report (Control C1).
- Proposed floor-to-ceiling heights are acceptable and compatible with the proposed use (Control C2).
- Building depth is not achieved, however it is acceptable as a result of the dual frontage (Control C3).
- The Proposal benefits from a dual frontage which provides adequate natural day lighting and ventilation in accordance with Control C4.

Accordingly, the Proposal is acceptable with regards to Part D5.6.3.1 of the WDCP 2015.

5.6.3.2 Height

Objectives O1, O2
Controls C1, C3, C4

In light of the relevant objectives and controls of this Part, the following commentary is provided:

- The relevant objectives of the building envelope controls are achieved as noted within Section 15.1.3 of this report (Controls C1, C3 and Objective O1).
- A variety of roof forms are proposed, complying with Control C2.
- Floor-to-ceiling heights do not strictly comply with Control C4, however heights range from 3.1 to 3.3m, providing adequate amenity to building users and allowing for the adaptive reuse of each level in accordance with Objective O2.

Accordingly, the Proposal is acceptable with regards to Part D5.6.3.2 of the WDCP 2015.

5.6.3.3 Building articulation

Objectives O1, O2
Controls C1

In light of the relevant objectives and controls of this Part, the following commentary is provided:

- Control Drawing 7 requires a 1.2m articulation zone, upon which only 50% may be built upon, at Levels 2 & 3 along Manning Road and for a length of 15.6m along Kiaora Lane, as measured from the Manning Road frontage. An articulation zone has not been provided along either frontage at Level 2.

As discussed within Section 15.1.3 of this report, the new building features an appropriate degree of articulation, complying with Controls C1, C3 and Objective O1.

- Control C2 states: *The mix of internal and external space for articulation areas shown on the control drawings that do not front a street, or laneway may be determined by the applicant.* The Applicant has sought to provide generous southern side setbacks at Levels 1 to 3, enabling the provision of dense planters at each level and accessible open space at Level 3. This design provides an appropriate degree of articulation along the southern elevation, minimising its visual impact upon the neighbouring property at No. 10-12 Manning Road.

Accordingly, the Proposal is acceptable with regards to Part D5.6.3.3 of the WDCP 2015.

5.6.3.4 Setbacks

Objectives O1, O2, O3
Controls C1, C2, C3, C4, C5

In light of the relevant objectives and controls of this Part, the following commentary is provided:

- The Proposal incorporates a part 615mm and part 2.4m setback to Kiaora Lane, providing improved pedestrian amenity. Setbacks have not been nominated along Manning Road. (Controls C1, C2).

- Control C3 states: *Side setbacks must:*

- a) protect privacy to adjoining buildings; and*
- b) protect access to natural light and ventilation to adjoining buildings and residential areas.*

Side setbacks are not required. Nevertheless, the Proposal incorporates generous southern side setbacks in order to protect natural light and ventilation to the adjoining RFB at No.10-12 Manning Road. Furthermore, the Proposal as conditioned will not result in any unreasonable privacy impacts. Refer to 'Part D5.6.5 Amenity' of this report for detailed overlooking and overshadowing analysis.

- Control C4 states: *Rear setbacks must:*

- a) where required, accommodate vehicle access to the rear of lots, provide consolidated deep soil landscaped areas where blocks adjoin residential areas; and*
- b) protect privacy and facilitate solar access to adjoining buildings and gardens.*

Vehicle access is to be maintained via an existing vehicle crossover.

Whilst the Proposal incorporate a zero rear setback, the adjoining and surrounding context is not defined by consolidated deep soil landscaped areas. Given the existing Site conditions and the immediate surrounds, the proposed rear setback and lack of deep soil landscaping is supported.

The Site is located adjacent to a shop-top housing development to the rear at No.11 Patterson Street. Proposed setbacks will not result in any unreasonable off-site amenity impacts to neighbouring residents to the rear. Refer to 'Part D5.6.5 Amenity' of this report for detailed overlooking and overshadowing analysis.

Accordingly, the Proposal is acceptable with regards to Part D5.6.3.4 of the WDCP 2015.

5.6.3.5 Corner buildings

Objective O1

Controls C1, C2, C3

In light of the relevant objectives and controls of this Part, the Site is noted as being located on the corner of Manning Road and Kiaora Lane. As such, there is an opportunity to define the corner and in turn create a welcoming pedestrian gateway to Kiaora Lane from its western end. The Proposal has sought to achieve this by widening the footpath along Kiaora Lane (with the materiality of the widened footpath to match special paving treatment that currently existing along Kiaora Lane, as pictured below), the provision of a retail tenancy at ground level with level access to the street, and the provision of a low level planter and glazing which wraps around the corner of the building.

Furthermore, the proposed massing and articulation of the overall building creates a strong corner gateway building. More specifically:

- The built form is of rectilinear form, which is a building frontage emerging along the southern side of Kiaora Lane, allowing for a continuous building line and frontage to Kiaora Lane.
- The built form features both vertical and horizontal articulation to the street scene at the upper levels, illustrating a 'break-up' rectilinear northern frontage to Kiaora Lane.
- The prescribed height of four-storeys has been achieved along the street edge in accordance with Control C3.



Existing Footpath Paving



3D Perspective of proposed development

Accordingly, the Proposal is acceptable with regards to Part D5.6.3.5 of the WDCP 2015.

5.6.3.6 Architectural resolution

Objectives O1, O2, O3, O4, O5

Controls C1, C2, C3, C4, C5, C6, C8, C10, C11, C14

In light of the relevant objectives and controls of this Part, the following commentary is provided:

- Clearly defined pedestrian entries have been proposed in accordance with Control C1.

- The Ground Floor Level to each frontage is proposed to be predominantly glazed in accordance with Control C2.
- The Proposal would not result in an acceptable level of glare given the building is a primarily brick construction (Control C3 and C4).
- The Proposal incorporates a prominence of light colours and materials which is consistent with the existing and emerging character of the area, complying with Controls C5 and C6.
- Appropriate conditions are recommended to ensure windows and terraces proposed along the southern elevation do not result in unreasonable overlooking concerns (Control C8).
- The Proposal will not result in blank walls in accordance with Control C10.
- Control C11 requires the design of commercial spaces to permit maximum flexibility for future uses. The Proposal incorporates a flexible access arrangement and generous floor-to-ceiling heights that would permit a range of commercial uses.
- The proposed vehicle entry roller door will be camouflaged into the design, complying with Control C14.

Accordingly, the Proposal is not acceptable with regards to Part D5.6.3.6 of the WDCP 2015.

5.6.3.7 Roof design

The Proposed roof design is supported. Accordingly, the Proposal is acceptable with regards to Part D5.6.3.7 of the WDCP 2015.

Part D5.6.4 – Relationship to Public Domain

5.6.4.1 Awnings

The Proposed is acceptable with regards to Part D5.6.4.1 of the WDCP 2015. More specifically, whilst no awnings are proposed, recessed ground floor levels, with projecting upper floor levels will achieve the same objective.

5.6.4.4 Public art

Control C1 establishes requirements for major development to include public art when that development has a capital investment value ('CIV') of \$15M or more and located on E1 zoned land within the Double Bay, Rose Bay or Edgecliff centres.

As a result of recent changes to the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) the definition of CIV has been replaced by 'Estimated Development Cost' (EDC), effective from 04 March 2024.

EDC is defined in the *Environmental Planning and Assessment Regulation 2021* as:

"6 Estimated development cost

(1) *In this regulation, the estimated development cost, of proposed development, means the estimated cost of carrying out the development, including the following—*

- (a) *the design and erection of a building and associated infrastructure,*
- (b) *the carrying out of a work,*
- (c) *the demolition of a building or work,*

- (d) *fixed or mobile plant and equipment.*
- (2) **The estimated development cost does not include the following—**
- (a) *amounts payable, or the cost of land dedicated or other benefit provided, under a condition imposed under the Act, Division 7.1 or 7.2 or a planning agreement,*
 - (b) *costs relating to a part of the development that is the subject of a separate development consent or approval,*
 - (c) *land costs, including costs of marketing and selling land,*
 - (d) *costs of the ongoing maintenance or use of the development,*
 - (e) **GST."**

The proposed development cost, excluding GST, is calculated at \$13,756,883.21, which is below the \$15M threshold. Accordingly, the above requirement does not apply to this DA.

5.6.4.6 Ground Floor Active Lane Frontage

Objectives O1, O2, O3, O4, O5

Controls C1, C2, C3, C4, C5

In light of the relevant objectives and controls of this Part, the following commentary is provided:

- Control C1 states: *'A minimum of 75% active frontage to lanes, measured as a linear ratio across the width of a lot, is generally required. Development on narrow lots may vary this requirement if applicants demonstrate that the vitality and usefulness of the lot frontage is maximised.'* Whilst the Proposal does not achieve this control as it relates to Kiaora Lane, it has struck an appropriate balance between facilitating the service role of the Kiaora Lane, whilst providing adequate activation along this important street frontage. This is achieved through the introduction of a ground level retail tenancy with level access to the Lane and the proposed glazing that wraps around the corner of Kiaora Lane and Manning Road. The existing situation features a ground floor that is located below the ground level of Manning Road and Kiaora Lane. Raising the ground floor level would tie the building in with the street context and improve its relationship with its urban fabric. The revised Proposal is therefore considered to provide adequate laneway activation that will improve pedestrian amenity.
- Vehicle and building entrances are clearly separated and defined and services are generally unobtrusive, complying with Controls C2, C3 and C4.
- Control C5 states: *Retail, restaurant, cafe shopfronts should be glazed and able to be opened and/or provide through shop/lot visibility.* Ground floor retail is proposed, with level access to Kiaora Lane, complying with Control C5.

Accordingly, the Proposal is acceptable with regards to Part D5.6.4.6 of the WDCP 2015.

Part D5.6.5 Amenity

5.6.5.1 & 5.6.5.2: Visual Privacy & Acoustic Privacy

The Proposal is acceptable with regards to the relevant noise related objectives and controls of this Part given potential sources of noise including the car lift and ground floor retail uses would not result in any unreasonable acoustic emissions that could not otherwise be managed via standard amenity conditions.

An overlooking analysis has yielded the following commentary:

- There are no overlooking opportunities to the north, west and east.

- Windows and terraces are proposed along the southern elevation and will overlook units at No.10-12 Manning Road. As such, a condition requires all south-facing windows to be treated with fixed obscure glazing to a height of 1.55m above finished floor level. Furthermore, in the absence of a detailed overlooking analysis it is unclear as to whether terraces proposed at Level 3 will overlook No.10-12 Manning Road. As such, a condition

It is further noted that, Council's Environmental Health Officer provided no objection to the Proposal subject to conditions.

Accordingly, the Proposal as **condition** is acceptable with regard to Part D5.6.5.1 and Part D5.6.5.2 of the WDCP 2015.

Part D5.6.6 Solar Access and Natural Ventilation

5.6.6.1 Solar access & 5.6.6.2 Cross Ventilation

Control C3 states: *'Development which does not comply with the control drawings must maintain existing solar access to existing development for at least three hours between 9am and 3pm on 21 June to north facing windows of habitable rooms, and at least two hours to at least 50% of the private open space.'*

Control C4 states: *'Access to sunlight should be achieved for a minimum period of three hours between 9am and 3pm on 21 June to windows of habitable rooms and two hours to private open space of new development.'*

The Site is located adjacent to sensitive residential uses to the east at No. 11 Paterson Street and south at No.10-12 Manning Road.

No. 11 Paterson Street

This property features west-facing habitable room windows which will remain unaffected by any additional overshadowing impacts from 9:00am and 1PM (4 hours).

There are no private open space areas associated with this property that will be sited adjacent to the subject site.

The ground floor of No.11 Patterson Street is occupied by two commercial businesses.

Furthermore, compliance with the LEP envelope shows a similar and/or worse overshadowing scenario particularly at 2pm and 3pm.

No.10-12 Manning Road

This property features fourteen north-facing apartments.

The existing building occupying the subject site and overhanging balconies at No.10-12 Manning Road currently impact solar access to existing units at No.10-12 Manning Road throughout the day between 9am - 3pm.

The proposed development will maintain a minimum of 3 hours solar access to 10 upper-level apartments (71.4% of total units).

The two apartments on level 1 will still receive one to two hours of sunlight between 9am and 10am.

The two ground level apartments will still receive some solar access early in the morning between 9am to 10am.

Furthermore, compliance with the LEP envelope shows worse overshadowing scenario from 10am to 3pm.

Accordingly, the Proposal is acceptable with regards to Part D5.6.6.1 and Part D5.6.6.2 of the WDCP 2015.

5.6.7 Groundwater (hydrogeology) and Geotechnical Impacts

Refer to 14.9 of this report.

Furthermore, the DA was referred to Water NSW who have had regard to existing groundwater conditions and have provided General Terms of Approval.

5.6.8 Parking and Site Facilities

In light of the relevant objectives and controls of this Part, the following commentary is provided:

- Vehicle access is proposed via Kiaora Lane in accordance with Control C1 of Part D5.6.8.2.
- Loading bays are proposed at Basement level, which is supported (Control C2 of Part D5.6.8.2).
- Car park access is considered to be well-integrated within the overall building design (Control C4 of Part D5.6.8.2).
- Site facilities are well considered (Controls C2, C3, C4, C5, C6, C7 and C8 of Part D5.6.8.4).

Accordingly, the Proposal is acceptable with regards to Part D5.6.8.2 of the WDCP 2015.

15.2 Chapter E1: Parking and Access

In light of the relevant parking and traffic provisions of Chapter E1, Council's Traffic Engineer determined that the Proposal is satisfactory subject to conditions. More specifically, Council's Traffic Engineer provided the following commentary:

'Parking Provision

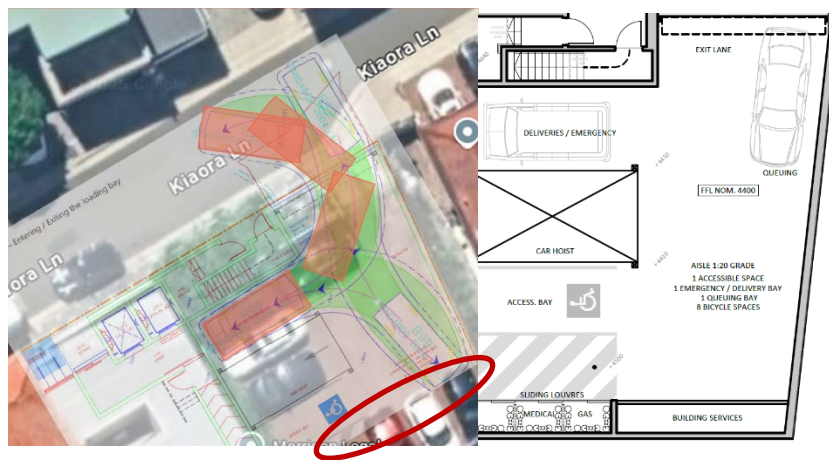
Parking and Traffic Generation for the proposal have been previously assessed, which identified insufficient parking provision for cars, bicycles and motorbikes. In response, the submitted Functional Design Statement and Traffic Letter indicated that 30% of day surgery centre staff will be driving to and from the site, and that ambulance attendance is not expected due to the nature of the proposed use.

The parking demand for the day surgery is calculated using First Principles approach, which accounts for a total of 41 staff and a maximum of 4 patients on a daily basis. The proposed provision of 4 spaces for the 4 patients, including 1 designed as an accessible space, is considered acceptable. Whilst the proposed 13 spaces for staff ($41 \times 30\% = 12.3$) achieves a numerical compliance with the requirements, it is unclear how the target of 30% of all staff driving to and from the site can be reached. It is therefore requested that a Green Travel Plan be developed to demonstrate the goals, targets and measures to facilitate alternative transport modes and reach the abovementioned goals and targets. Should the development be approved, this requirement will be conditioned.

Council's DCP requires a minimum provision of 5 spaces for retail components of the proposal and the proposed provision of 5 spaces for retail use and is deemed satisfactory. It is agreed that the shortfall of bicycle parking is minimal and can be readily provided on Ground Level within the proposed area for bike hoops. Should the development be approved, conditions will be imposed to ensure compliant provision.

Access Driveway

The proposed 6.36m-wide access driveway exceeds the maximum width requirement stipulated in Table 3.2 of AS/NZS 2890.1:2004 for a Category 1 access facility. The swept path analysis provided in traffic letter of response also identified cars parked within the turning area on the Ground Floor which restricts vehicular movements, as circled below. This space is not designed to accommodate car parking as per Architectural Drawings and should be vacant to allow sufficient manoeuvrability.



The access driveway is therefore considered excessive, and the width should be reduced to retain the existing driveway arrangement and avoid loss of on-street parking.

It is noted that the existing bus seat on Manning Road will be relocated to the north to accommodate the lobby access. Noting this does not impact the operations of the existing bus stop and 'Bus Zone', the relocation is considered acceptable. Should the development be approved, conditions will be imposed to request the applicant liaise with Council's Engineering Department on the relocation of the bus seat. All costs associated with the relocation must be borne by the applicant.'

Accordingly, the Proposal as conditioned, is acceptable with regard to Chapter E1 of the WDCP 2015.

15.3 Chapter E2: Stormwater and Flood Risk Management

The Proposal is acceptable with regard to Chapter E2 of the WDCP 2015. Further, Council's Engineer has provided no objection to the Proposal, subject to **conditions**.

15.4 Chapter E3: Tree Management

The Proposal is acceptable with regard to Chapter E3 of the WDCP 2015. Refer to Section 10 of this report for further information.

15.5 Chapter E5: Waste Management

Chapter E5 is applicable to all development and seeks to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

The SWMMP addresses volume and type of waste and recyclables to be generated, storage and treatment of waste and recyclables on site, disposal of residual waste and recyclables and operational procedures for ongoing waste management once the development is complete.

The applicant provided a Waste Management Plan with the development application and it was found to be satisfactory.

15.6 Chapter E6: Sustainability

The proposed location of solar panels at roof level is considered acceptable having regard to the relevant provisions of Chapter C6 of the WDCP 2015. Nevertheless, appropriate conditions are recommended to ensure solar panels are to be no more than 500mm as measured from the FFL of the roof level and located parallel with the roof surface.

Accordingly, the Proposal as conditioned, is acceptable with regards to Chapter E6 of the WDCP 2015.

16. DRAFT AMENDMENTS TO POLICIES AND PLANS

On 27 November 2023, Council endorsed the 'Draft Double Bay Planning and Urban Design Strategy' (the '**Strategy**'), which establishes "a clear and coordinated approach to future development within the Double Bay Centre". The Strategy notes that its recommendations will inform future amendments to the WLEP 2014 and the WDCP 2015. However, this has not yet occurred and so the controls for this site do not currently reflect this strategy.

More recently, Council has prepared a Planning Proposal for the Double Bay Centre Planning Controls, which has been reported to a meeting of the Woollahra Local Planning Panel for advice. With regards to the next steps in the process, the advice of the LPP will need to be reported to a future meeting of Council and the Planning Proposal will need to be submitted to the Department for gateway determination, which would involve public exhibition. Given the number of steps required for Council to enact the Strategy, it is considered to be neither imminent nor certain.

In accordance with Planning Circular PS 24-007, the weight that should be given to a proposed Environmental Planning Instrument (**EPI**) depends on the likely or unlikely certainty and imminence of the relevant provisions of the proposed EPI coming into force. As outlined above, the Strategy is considered to be neither imminent nor certain and therefore has no weight in the consideration of this DA.

17. CONTRIBUTION PLANS

17.1 Section 7.12 Contributions Plan

A 1% levy applies with the monies being used for a variety of works as outlined in Schedule 1 of the Section 7.12 Contributions Plan. This requirement has been addressed via condition of consent.

17.2 Subdivision 4 Housing and Productivity Contributions

Section 7.24 of the Environmental Planning and Assessment Act 1979 identifies that the object of this subdivision is to facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region by enabling a housing and productivity contribution to be required.

Division 1 of the Environmental Planning and Assessment (Housing and Productivity Contribution) Ministerial Order 2024 sets out the classes of development, which require a housing and productivity contribution.

The Proposal requires a housing and productivity contribution, which is addressed by condition.

18. APPLICABLE ACTS/REGULATIONS

18.1 Environmental Planning and Assessment Regulation 2021

Clause 61(1) Additional matters that consent authority must consider

Clause 61(1) of the EPA Regulation 2021 requires Council to take into consideration Australian Standard AS 2601-2001: The demolition of structures. This requirement is addressed by Council's standard condition.

19. THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts have been addressed elsewhere in the report or are considered to be satisfactory and not warrant further consideration.

20. THE SUITABILITY OF THE SITE

The Site is considered suitable for the proposed development as conditioned.

21. THE PUBLIC INTEREST

The Proposal is considered to be in the public interest.

22. CONCLUSION

The Proposal is acceptable against the relevant considerations under s4.15.

23. DISCLOSURE STATEMENTS

There have been no disclosure statements regarding political donations or gifts made to any Councillor or to any council employee associated with this development application by the applicant or any person who made a submission.

24. RECOMMENDATION: PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THAT the Sydney Eastern City Planning Panel, exercising the functions as the consent authority, is satisfied that the matters required to be addressed under Clause 4.6(3) of the Woollahra Local Environmental Plan 2014 have been demonstrated and that consent may be granted to the development application, which contravenes the *Height of Buildings* development standard under Clause 4.3 of Woollahra Local Environmental Plan 2014.

AND

THAT the Sydney Eastern City Planning Panel, grant development consent to DA2024/557/1 for the demolition of existing structures and construction of a new 4 storey building for health services facility with basement car parking on land at 4-8 Manning Road DOUBLE BAY, subject to recommended conditions contained in Attachment 1.